

3810. Also, petition of sundry residents of Erie, Pa., opposed to compulsory Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3811. Also, petition of 255 citizens of the State of Pennsylvania protesting against the passage of Senate bill 3218, the compulsory Sunday observance bill, and all other religious legislation; to the Committee on the District of Columbia.

3812. By Mr. SMITH: Petition of 61 citizens of Boise, Idaho, against the passage of compulsory Sunday observance bill; to the Committee on the District of Columbia.

3813. By Mr. SWING: Petition of sundry citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

SENATE

TUESDAY, February 17, 1925

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O God, Thou hast been our dwelling place in all generations. Thou art the same yesterday, to-day, and forever, so full of grace and ever remembering our needs. We come this morning into Thy presence asking for the guidance of Thy Spirit. Lead us in paths of truth and of righteousness. May there be no hesitancy on our part but rather a glad surrender of our will to do Thy will. We humbly ask in Jesus' name. Amen.

NAMING A PRESIDING OFFICER

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., February 17, 1925.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GEORGE H. MOSES, a Senator from the State of New Hampshire, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. MOSES thereupon took the chair as Presiding Officer.

THE JOURNAL

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed without amendment the following bills of the Senate:

S. 877. An act to provide for exchanges of Government and privately owned lands in the Walapai Indian Reservation, Ariz.;

S. 2209. An act to amend section 5147 of the Revised Statutes;

S. 2397. An act to provide for refunds to veterans of the World War of certain amounts paid by them under Federal irrigation projects;

S. 2718. An act to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steamship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable*;

S. 2746. An act regulating the recovery of allotments and allowances heretofore paid to designated beneficiaries;

S. 2835. An act to amend an act entitled "An act authorizing insurance companies or associations and fraternal beneficiary societies to file bills of interpleader," approved February 22, 1917;

S. 3171. An act for the relief of sufferers from earthquake in Japan;

S. 3180. An act to amend section 194 of the Penal Code of the United States;

S. 3252. An act referring the claim of the State of Rhode Island for expenses during the war with Spain to the Court of Claims for adjudication;

S. 3352. An act to provide for the appointment of an appraiser of merchandise at Portland, Oreg.;

S. 3398. An act to authorize the city of Norfolk, Va., to construct a combined dam and bridge in Lafayette River at or near Granby Street, Norfolk, Va.;

S. 3793. An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation;

S. 3830. An act authorizing the Secretary of War to convey to the Federal Land Bank of Baltimore certain land in the city of San Juan, P. R.;

S. 4014. An act to amend the act of June 30, 1919, relative to per capita cost of Indian schools;

S. 4109. An act to provide for the securing of lands in the southern Appalachian Mountains and in the Mammoth Cave regions of Kentucky for perpetual preservation as national parks;

S. 4152. An act to authorize the Secretary of War to grant a perpetual easement for railroad right of way over and upon a portion of the military reservation on Anastasia Island, in the State of Florida; and

S. J. Res. 177. Joint resolution to amend section 2 of the public resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved April 14, 1922.

The message also announced that the House had passed the following bill and joint resolution of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 3648. An act granting to the county authorities of San Juan County, State of Washington, certain described tracts of land on the abandoned military reservations on Lopez and Shaw Islands as a right of way for county roads, and for other purposes; and

S. J. Res. 172. Joint resolution to authorize the appropriation of certain amounts for the Yuma irrigation projects, Arizona, and for other purposes.

The message further announced that the House had passed the following bills and joint resolution of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 1918. An act relative to officers in charge of public buildings and grounds in the District of Columbia;

S. 3346. An act to provide that jurisdiction shall be conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and certain bands of Indians, and for other purposes;

S. 3760. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes;

S. 3895. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont; and

S. J. Res. 95. Joint resolution to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172, Washington, D. C.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 3842. An act to provide for terms of the United States district court at Denton, Md.;

H. R. 4202. An act to amend section 5908, United States Compiled Statutes, 1916 (R. S., sec. 3186, as amended by act of March 1, 1879, ch. 125, sec. 3, and act of March 4, 1913, ch. 166);

H. R. 4548. An act authorizing the Secretary of Commerce to acquire, by condemnation or otherwise, a certain tract of land in the District of Columbia for the enlargement of the present site of the Bureau of Standards;

H. R. 5261. An act to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes;

H. R. 5265. An act to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation;

H. R. 7762. An act to provide for the method of measurement of vessels using the Panama Canal;

H. R. 9062. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or

Kaw Tribe of Indians may have or claim to have, against the United States, and for other purposes;

H. R. 9095. An act to incorporate the American War Mothers; H. R. 9160. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties and otherwise;

H. R. 9199. An act to prevent the pollution by oil of navigable rivers of the United States;

H. R. 9724. An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and of the memorial shaft erected to his memory, and for other purposes;

H. R. 10471. An act authorizing the Postmaster General to permit the use of precanceled stamped envelopes;

H. R. 10472. An act to provide for restoration of the old Fort Vancouver stockade;

H. R. 10771. An act authorizing the acquisition of land and suitably marking the site of the Battle of Franklin, Tenn.;

H. R. 11067. An act to provide for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho;

H. R. 11077. An act authorizing the issuance of patents to the State of South Dakota for park purposes of certain lands within the Custer State Park, now claimed under the United States general mining laws, and for other purposes;

H. R. 11210. An act to grant certain public lands to the State of Washington for park and other purposes;

H. R. 11355. An act authorizing the Secretary of War to convey by revocable lease to the city of Springfield, Mass., a certain parcel of land within the Springfield Military Armory Reservation, Mass.;

H. R. 11410. An act to extend the time for the exchange of Government lands for privately owned lands in the Territory of Hawaii;

H. R. 11636. An act authorizing and directing the Postmaster General to grant permission to use special cancelling stamps or postmarking dies in the Chicago post office;

H. R. 11644. An act granting certain public lands to the city of Phoenix, Ariz., for municipal park and other purposes;

H. R. 11668. An act granting consent of Congress to the States of Missouri, Illinois, and Kentucky to construct, maintain, and operate bridges over the Mississippi and Ohio Rivers at or near Cairo, Ill., and for other purposes;

H. R. 11703. An act granting the consent of Congress to G. B. Deane, of St. Charles, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of St. Charles, in the county of Arkansas, in the State of Arkansas;

H. R. 11725. An act to legalize a pier and wharf in York River at Gloucester Banks, near Gloucester Point, Va.;

H. R. 11726. An act to authorize the creation of a national memorial in the Harney National Forest;

H. R. 11737. An act authorizing preliminary examinations and surveys of sundry rivers with a view to the control of their floods;

H. R. 11755. An act for the relief of Capt. Douglas E. Dismukes, United States Navy;

H. R. 11799. An act to secure a replica of the Houdon bust of Washington for lodgment in the Pan American Building;

H. R. 11825. An act to extend the time for the construction of a bridge over the Ohio River near Steubenville, Ohio;

H. R. 11886. An act to amend section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 1, 1911 (36 Stat. L. p. 961);

H. R. 11921. An act to authorize the permanent appointment of any acting chaplain in the Navy to the temporary grade and rank in the Navy held by him during the World War;

H. R. 11952. An act to authorize the exchange of certain patented lands in the Rocky Mountain National Park for Government lands in the park;

H. R. 11953. An act granting the consent of Congress for the construction of a bridge across the Grand Calumet River on the north and south center line of section 33, township 37 north, and range 9 west of the second principal meridian in Lake County, Ind., where said river is crossed by what is known as Kennedy Avenue;

H. R. 11954. An act granting the consent of Congress for the construction of a bridge across the Grand Calumet River at Gary, Ind.;

H. R. 11977. An act to extend the time for the commencement and completion of the bridge of the American Niagara Railroad Corporation across the Niagara River in the State of New York;

H. R. 11978. An act granting the consent of Congress to the commissioners of McKean County, Pa., to construct a bridge across the Allegheny River;

H. R. 12001. An act to provide for the elimination of Lamond grade crossing in the District of Columbia, and for the extension of Van Buren Street;

H. R. 12004. An act authorizing a survey for the control of excess flood waters of the Mississippi River below Red River Landing in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes;

H. R. 12064. An act to recognize and reward the accomplishment of the world flyers;

H. R. 12086. An act to authorize the transfer of the United States Weather Bureau site and buildings at East Lansing, Mich., to the State of Michigan in exchange for another Weather Bureau site on the grounds of the Michigan State Board of Agriculture and other considerations;

H. R. 12192. An act to authorize the creation of game refuges on the Ozark National Forest in the State of Arkansas;

H. J. Res. 115. Joint resolution approving the action of the Secretary of War in directing the issuance of quartermaster stores for the relief of sufferers from the cyclone at Lagrange and at West Point, Ga., and vicinity, March, 1920;

H. J. Res. 318. Joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Bunker Hill, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; and

H. J. Res. 342. Joint resolution to authorize the appointment of an additional commissioner on the United States Lexington-Concord Sesquicentennial Commission.

ENROLLED BILLS SIGNED

The message also further announced that the Speaker of the House of Representatives had affixed his signature to the following enrolled bills, and they were thereupon signed by the Presiding Officer (Mr. Moses) as Acting President pro tempore:

H. R. 103. An act for the inclusion of certain lands in the Plumas National Forest, Calif., and for other purposes;

H. R. 4441. An act to amend section 4044 of the Revised Statutes, as amended;

H. R. 8090. An act authorizing the Secretary of the Treasury to remove the quarantine station now situated at Fort Morgan, Ala., to Sand Island, near the entrance of the port of Mobile, Ala., and to construct thereon a new quarantine station; and

H. R. 9765. An act granting to certain claimants the preference right to purchase unappropriated public lands.

PETITIONS AND MEMORIALS

The PRESIDING OFFICER laid before the Senate a memorial adopted by the Legislature of the State of Arizona, praying that Congress, coincidentally with any Federal movement to regulate the grazing of livestock on the public domain within the State of Arizona, grant an additional endowment to that State of 5,000,000 acres of land for the construction of highways and for the support of its educational and other public institutions, which was referred to the Committee on Public Lands and Surveys. (See duplicate memorial when presented yesterday by Mr. ASHURST and printed in full, page 3785, CONGRESSIONAL RECORD.)

The PRESIDENT pro tempore also laid before the Senate a joint memorial adopted by the Legislature of the State of New Mexico, requesting Congress to extend the authority of the Secretary of Agriculture under Senate Joint Resolution 52, so that advances or loans may be made to farmers in the drought-stricken areas of New Mexico for planting and raising crops during 1925, which was referred to the Committee on Agriculture and Forestry, as follows:

STATE OF NEW MEXICO,
OFFICE OF THE SECRETARY OF STATE.
Certificate

I, Soledad C. Chacon, Secretary of State of the State of New Mexico, do hereby certify that there was filed for record in this office at 3.25 p. m. on the 12th day of February, A. D. 1925, senate joint memorial No. 3. Joint memorial of the Senate and House of Representatives of the State of New Mexico to the Congress of the United States, requesting the Congress to extend the authority of the Secretary of Agriculture under Senate Joint Resolution 52, so that advances or loans may be made to farmers in the drought-stricken areas of New Mexico for planting or raising crops during 1925, as passed by the Seventh

State Legislature of the State of New Mexico and approved by the Governor of the State of New Mexico February 12, 1925; and also, that I have compared the following copy of the same with the original thereof on file and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the State of New Mexico, at the city of Santa Fe, the capital, on this 13th day of February, A. D. 1925.

[SEAL]

SOLEDAD C. CHACON,
Secretary of State.

Senate joint memorial No. 3 (Introduced by Mr. Lucero) of the Senate and House of Representatives of the State of New Mexico to the Congress of the United States, requesting the Congress to extend the authority of the Secretary of Agriculture under Senate Joint Resolution 52 so that advances or loans may be made to farmers in the drought-stricken areas of New Mexico for planting and raising crops during 1925.

Whereas the funds appropriated by Senate Joint Resolution 52 passed by the Sixty-eighth Congress, first session, authorizing the Secretary of Agriculture to make advances or loans to farmers in the drought-stricken areas of New Mexico for the spring and fall planting of 1924 became available too late to enable many farmers to take advantage of it and only \$400,000 of the \$1,000,000 appropriated was used for such loans; and

Whereas the conditions of drought in some of said areas continued during most of the season of 1924, and many farmers therein had to abandon their farms and seek employment elsewhere in order to support their families, and some farmers who received loans out of said fund did not realize enough out of their crops to repay the same; and

Whereas conditions of moisture throughout said areas are now such as to promise good crops for those who shall be able to plant, cultivate, and harvest them during the season of 1925, and, if loans can be made to them in the manner provided in said resolution, many farmers will be enabled to return and till their farms: Now, therefore, be it

Resolved, That the Legislature of the State of New Mexico respectfully and earnestly memorializes and requests the Congress of the United States to pass a like joint resolution at its present session continuing the authority of the Secretary of Agriculture and make an appropriation of \$500,000 so that advances or loans may be made thereunder for the spring and fall planting of 1925; and be it further

Resolved, That two copies of this joint memorial be forwarded to the President of the Senate and Speaker of the House of Representatives of the United States and to the Hon. A. A. JONES and H. O. BURNUM, Senators, and the Hon. JOHN MORROW, Member of Congress from the State of New Mexico.

EDWARD SARGENT,
President of the Senate.

Attest:

A. J. FISCHER,
Chief Clerk of the Senate.

D. W. SMITH,

Speaker of the House of Representatives.

Attest:

J. O. MORRIS,
Chief Clerk of the House of Representatives.

Approved by me this 12th day of February, 1925.

A. T. HANNETT,
Governor of New Mexico.

The PRESIDING OFFICER also laid before the Senate a resolution adopted by the Senate of the State of Iowa, favoring the repeal of the acts of Congress authorizing the appropriation of funds for the purpose of Federal aid, which was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Senate resolution memorializing the Congress of the United States to discontinue the appropriation of funds from the Federal Treasury for use in any State-aid purpose

Whereas in times past the people of the United States have believed that the power to provide ways and means of meeting local conditions should be vested in the people of the several States, and such conditions have been met and solved by the representatives of the people of the several States according to the needs and provisions of each community and State; and

Whereas since the admission of this State to the Union this method of solving local problems has proven to be economical and expeditious for the establishment and maintenance of the local government; and

Whereas there has lately grown up among us a number of organized minorities who have sought to engage the Federal Government in problems of local finance and administration among the several States, contrary to the expressed and established customs and purposes of our National Government, and to furnish finances to further the undertakings of the Federal Government these minorities have influenced

the Congress of the United States and have secured the enactment of bills providing for the appropriation of large sums of money from the Federal Treasury to be furnished and appropriated by the Federal Government to the various States as Federal aid to be used in the financing of certain and sundry projects proposed and authorized by the legislatures of the several States for the carrying out of the program of government as organized and established; and

Whereas to secure the Federal aid appropriated by the Congress of the United States it is necessary that the legislatures of the several States appropriate from their respective State treasuries a proportionate or equal contribution to be used for the purpose specified in the Federal appropriation; and

Whereas, even though the various States of the Union, through their legislatures, may not approve of the project or purposes of the said Federal appropriation, still the legislatures are in a measure compelled and forced to accept the said Federal aid and appropriate a like or proportionate amount from the State treasury, for the reason that the said Federal appropriation is raised by the taxation of all the people of the several States and from revenue derived from other sources, and that for each State to receive its pro rata part of the funds so appropriated to it it is necessary that the State make the appropriation from its treasury, otherwise the pro rata share to which the State would be entitled would be lost; and

Whereas as a result of this practice the legislatures of the States are required to appropriate funds which would not otherwise be appropriated, thereby greatly increasing the expenses of operation and the taxes of the State government, to the demoralization of the program of economy of the several States: Now, therefore, be it

Resolved by the senate, That the acts of Congress authorizing the appropriation of funds for purposes of Federal aid be repealed.

That if such acts were repealed, the taxes of the Federal Government could be reduced.

That the secretary of the Senate of Iowa be directed to send a copy of this resolution to the President of the United States and to the President of the United States Senate and to the Speaker of the House of Representatives of the United States at Washington, D. C.

CLEM. F. KIMBALL,
President of the Senate.
WALTER H. BEAM,
Secretary of the Senate

Mr. ROBINSON presented a letter in the nature of a memorial from John Schaap & Sons Drug Co., of Fort Smith, Ark., remonstrating against the passage of the bill (H. R. 6645) to amend the national prohibition act, to provide for a bureau of prohibition in the Treasury Department, to define its powers and duties, and to place its personnel under the civil service act, which was referred to the Committee on the Judiciary.

He also presented the petition of R. C. Wills, teacher, and sundry students of the Alcorn School, of Humphrey, Ark., praying for the passage of legislation for the creation of a secretaryship of education in the President's Cabinet, which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Decatur and Gentry, all in the State of Arkansas, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

Mr. SHEPPARD presented the petition of the Dallas (Tex.) College Club, praying for American membership in the World Court, which was referred to the Committee on Foreign Relations.

Mr. REED of Pennsylvania presented a memorial signed by approximately 150 citizens of Wilkes-Barre and vicinity, in the State of Pennsylvania, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. COPELAND presented memorials signed by approximately 107 citizens of New York City and of sundry citizens of Broome County, all in the State of New York, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

Mr. FRAZIER presented the memorials of Mrs. Florence Bresee and 24 other citizens of Devils Lake, and of W. D. Brington and 17 other citizens of Billings County, all in the State of North Dakota, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

Mr. JOHNSON of Minnesota presented the petitions of A. J. Haysmer and 528 other citizens of Minneapolis, of 160 citizens of Chisholm, of 115 citizens of Pelican Rapids, of 37 citizens of

Todd County, of 43 citizens of Robbinsdale, of 31 citizens of Stillwater, of 31 citizens of Good Thunder, of 21 citizens of Detroit, of 21 citizens of Norman and vicinity, and 74 citizens of Hennepin County, of 33 citizens of Roseau County, and of 41 citizens of Mineral Center and Princeton, all in the State of Minnesota, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. KENDRICK, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4156) to authorize the establishment and maintenance of a forest experiment station in California and the surrounding States, reported it without amendment.

Mr. COPELAND, from the Committee on the District of Columbia, submitted a report (No. 1135) to accompany the bill (S. 4227) to extend the provisions of Title II of the food-control and District of Columbia rents act, as amended; to prevent fraudulent transactions respecting real estate; to create a real-estate commission for the District of Columbia; to define, regulate, and license real-estate brokers and real-estate salesmen; to provide a penalty for a violation of the provisions hereof; and for other purposes, heretofore reported by him from that committee.

Mr. FESS, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (S. J. Res. 186) authorizing the sale of the old Federal building at Toledo, Ohio, reported it without amendment.

Mr. HARRELD, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4042) to authorize the Secretary of the Interior to purchase certain land in California to be added to the Cahulla Indian Reservation, and authorizing an appropriation of funds therefor (Rept. No. 1136); and

A bill (S. 4243) for the relief of the Milwaukee Journal, of Milwaukee, Wis. (Rept. No. 1137).

Mr. HARRELD also, from the Committee on Indian Affairs, to which was referred the bill (S. 4025) to reimburse the Truckee-Carson irrigation district, State of Nevada, for certain expenditures for the operation and maintenance of drains for lands within the Paiute Indian Reservation, Nev., reported it with an amendment and submitted a report (No. 1138) thereon.

Mr. LADD, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 4229) granting the consent of Congress to the State Highway Commission of North Carolina to construct a bridge across the Chowan River at or near the city of Edenton, N. C. (Rept. No. 1139); and

A bill (S. 4289) authorizing the construction of a bridge across the Colorado River near Blythe, Calif. (Rept. No. 1140).

Mr. WILLIS, from the Committee on Foreign Relations, to which was referred the bill (H. R. 9700) to authorize the Secretary of State to enlarge the site and erect buildings thereon for the use of the diplomatic and consular establishments of the United States in Tokyo, Japan, reported it without amendment and submitted a report (No. 1141) thereon.

Mr. GOODING, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 4224) to amend section 2 of the act of June 7, 1924 (Public, 270), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes," in order to promote the continuous production of timber on lands chiefly suitable therefor, reported it without amendment.

Mr. SMOOT, from the Committee on Finance, reported an amendment relative to a proposed increase in the salaries of Cabinet officers, Members of Congress, etc., intended to be proposed to House bill 12101, the legislative appropriation bill, which was referred to the Committee on Appropriations.

PIER AND WHARF IN YORK RIVER, VA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 4305) to legalize a pier and wharf in York River at Gloucester Banks, near Gloucester Point, Va., and I submit a report (No. 1134) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the pier and wharf built by Robert H. Talley, trustee, in the York River, State of Virginia, at Gloucester Banks, which is about 1 mile east of Gloucester Point, Gloucester County, Va., and about one-half mile west of Sarah Creek, Va., be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by the existing laws of the United States in such cases made and provided had been regularly obtained prior to the erection of said pier and wharf: *Provided*, That any change in said pier, which the Secretary of War may deem necessary and order in the interest of navigation, shall be promptly made by the owner thereof.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on February 16, 1925, that committee presented to the President of the United States the following enrolled bills:

S. 365. An act for the relief of Ellen B. Walker;
S. 1765. An act for the relief of the heirs of Agnes Ingels, deceased;

S. 4056. An act to provide for an additional district judge for the western district of Michigan; and

S. 4162. An act to establish home ports of vessels of the United States, to validate documents relating to such vessels, and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 4327) granting a pension to Fred Breyman; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 4328) granting an increase of pension to Artamissa Bonney; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 4329) for the relief of John A. Fox; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 4330) granting an increase of pension to Victoria Coffman; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 4331) to regulate the practice and fix the fees of agents, attorneys, and other persons representing claimants under the act of October 6, 1917; to the Committee on the Judiciary.

By Mr. BALL:

A bill (S. 4332) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or her minor children in destitute or necessitous circumstances," approved March 23, 1906; to the Committee on the District of Columbia.

By Mr. HARRIS:

A bill (S. 4333) to provide for the establishment in the State of Georgia of a subsidiary fish-cultural station to the Warm Springs, Ga., fisheries station, to be under the direction of the Bureau of Fisheries of the Department of Commerce; to the Committee on Commerce.

By Mr. STANLEY:

A bill (S. 4334) to authorize the coinage of 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the founding of the State of Kentucky and of the first permanent English settlement west of the Alleghenies at Harrodsburg, Ky., on June 16, 1774; to the Committee on Banking and Currency.

By Mr. FESS:

A bill (S. 4335) to extend the time for the construction of a bridge over the Ohio River near Steubenville, Ohio; to the Committee on Commerce.

By Mr. NEELY:

A joint resolution (S. J. Res. 188) declaring December 28 a legal public holiday to be known as Woodrow Wilson's birthday; to the Committee on the Judiciary.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. BURSUM submitted an amendment intended to be proposed by him to the second deficiency appropriation bill, which

was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill insert the following:

"That the Secretary of the Treasury be, and is hereby, authorized to pay to Mary McConnell, of Santa Fe, N. Mex., out of the special fund in the Treasury of the United States created by the act of June 17, 1902 (32 Stats. p. 388), and therein designated 'the reclamation fund,' the sum of \$289 for services rendered to the United States in compiling data in the matter of the adjudication of water rights upon the Pecos River, N. Mex."

AMENDMENTS TO THE CAPE COD CANAL BILL

Mr. FLETCHER submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (H. R. 3933) for the purchase of the Cape Cod Canal property, and for other purposes, which was ordered to lie on the table and to be printed.

Mr. GOODING submitted an amendment intended to be proposed by him to the bill (H. R. 3933) for the purchase of the Cape Cod Canal property, and for other purposes, which was ordered to lie on the table and to be printed.

EXPENDITURES OF INDIAN TRIBAL FUNDS

Mr. DILL. I ask unanimous consent that the bill (H. R. 7888) to provide for expenditures of tribal funds of Indians for construction, repair, and rental of agency buildings, and related purposes, be recommitted to the Committee on Indian Affairs. It is identical with a Senate bill that was passed by the Senate and was recommitted on the motion of the Senator from Utah [Mr. KING]. The identical House bill came over to the Senate and was taken up with a majority of the committee not being present. I therefore should like to have the bill recommitted to the committee.

The PRESIDING OFFICER. Is there objection to the request submitted by the Senator from Washington? The Chair hears none, and the bill is recommitted to the Committee on Indian Affairs.

THE AMERICAN FARMER AND THE TARIFF

Mr. LADD. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Annals of the American Academy of Political and Social Science for the month of January, entitled "The American farmer and the tariff."

The PRESIDING OFFICER. Is there objection. The Chair hears none, and it is so ordered.

The article is as follows:

[Reprinted from the Annals of the American Academy of Political and Social Science, Philadelphia, January, 1925. Publication No. 1866]

THE AMERICAN FARMER AND THE TARIFF

(By Charles W. Holman, secretary, the National Cooperative Milk Producers Federation)

This paper will undertake to show the changed relation of the American farmer to the American tariff. It will also show the extent to which a protective tariff on agricultural products is an integral part of a national agrarian policy.

Party conflicts over the tariff are historically grounded in the economic conflict between agricultural producers and industrial producers. In the early days of the Republic the Democratic Party more nearly represented the agricultural groups, while the Republican Party had its roots in the industrial communities. The agricultural South, having been accustomed since colonial days to importing its requirements, did not look with great enthusiasm to the prospect of paying higher prices for such requirements in order to permit the development of the industrial North. The industrial North, on the other hand, very quickly adopted a policy of protection for manufactured products and free trade on the raw materials needed by such manufacturers. Organized labor has usually accommodated itself to this view of the manufacturer with respect to commodities produced by organized labor. In its effort, however, to establish "real wages," it has tended to oppose duties on certain products in which its consumptive interest would be greater than its wage interest. These commodities are notably the products of the farm. For a similar reason, manufacturers, anxious that their laborers shall get "real wages" without themselves having to increase their wage bills, have usually desired free trade in agricultural products.

As the Nation developed and the tariff became an accepted part of the national policy, conflicts between the urban and rural sections of the communities lessened in severity. The Democratic Party changed its slogan to "A tariff for revenue only." The Republican Party maintained its historic position. Tariff contests in the Congress, therefore, reduced themselves to questions that involved not so much whether there should be rates, but the nature of the rates themselves and the relation of the various items in a tariff act to each other and the effect upon the various groups of such rates.

Equitable distribution of benefits among the people, smoothing out of glaring inequalities in the bills, became the chief issues in the intervals between the passage of each succeeding tariff act. No tariff act has ever satisfied all of the people and each succeeding tariff act has tended to increase many duties.

GENERAL PRE-WAR AGRICULTURAL CONDITIONS

It is pertinent to inquire into the causes of the changed attitude of farmers toward tariff and their demand for protective duties on agricultural commodities. This involves a study which will only be briefly treated here—the declining curve of our agricultural exports and the rising curve of our manufactured exports. In the expanding years of our agriculture—the developing seventies, eighties, and nineties—Europe afforded a market for most of our surplus farm products. Those were the expanding years of European manufacturing; those were also the years when the farm products of newer lands, such as Argentina, Australia, New Zealand, Canada, and Siberia, were not competing seriously with ours in the world trade. Those were years when our abundant crops from the virgin lands of the Mississippi Valley and the western plateaus produced enormous export surpluses, which were sold at any price, to Europe's satisfaction and our discouragement.

From 1900 to 1914, however, American farm production tended to become static while domestic consumption, due to the great accession of the industrial population, tended to absorb our production. Cotton was about the only export crop which maintained the volume of its outward movement, exports of fresh beef fell down to nothing, and export of pork products were declining. Wheat had fallen from one-half billion bushels of export of a few decades before to an average of less than 100,000,000 bushels. But the condition of American agriculture was sound and farmers were more generally prosperous than at any time since the beginning of the Civil War. Few people had analyzed the silent changes which were taking place in Europe's buying policies or recognized that this American farm prosperity in 1914 was largely the result of the force of domestic production and consumption being more nearly balanced. But even then there were indications that certain agricultural products from other nations would be placed upon the domestic market in competition with our own farm producers.

The World War temporarily upset this slowing down process of American agriculture which had been accompanied by quiet changes in farming programs. The impulse of high prices and Government propaganda revealed an undreamt capacity of American agriculture to expand production. For a time this expansion worked to our advantage, since the war curtailed Europe's production and a shortage of shipping prevented material expansion in South American, Australasia, and the new lands of the Orient.

Our expansion program continued well into 1920, and was accompanied by material rises in costs. Then came the world release of surpluses and precipitous price declines in raw commodities. American farming immediately dived from the plateau of prosperity into the slough of disaster.

LESSON OF THE DUMPING EVIL

The first task of the surplus-producing nations was to dispose of their surplus. That led to indiscriminate dumping wherever markets would absorb commodities, and the United States for a time was the most attractive dumping ground for other nations. Their money being worth little and in some cases nothing, our money looked good to them no matter what price was paid for their commodities. The rural districts were the first to feel the evil effects of dumping and a clamor arose for the Government to put an end to it. Through the efforts of certain farm organizations at Washington Congress responded to the farmers' cry for help, and in the spring of 1921 passed a special emergency tariff act which gave a modicum of protection to a number of agricultural commodities. The effect of the emergency tariff act was immediately discernible. For a time it checked the dumping evil and tended to stabilize farm prices. Experience with the act, however, convinced many leaders of farm organizations that the rates in it were not high enough to be incorporated in a permanent tariff act and that many other commodities should be included.

Out of this experience there developed a settled conviction that American farmers would always in the future take a keener interest in tariff making because of the changes which have occurred in the latter-day world. These changes include:

- (1) The development of newer countries and cheaper lands producing export surpluses which must find a market irrespective of price.
- (2) Realization of discrimination against agriculture in former tariff bills. This discrimination has never been as severe as many advocates would have the public believe. For if one will examine the various tariff acts he will find that a consistent policy has been pursued of putting on the free list many of the important articles which farmers buy. There have been deviations from this policy, but in the main it has been pursued consistently by both parties.
- (3) The realization by farmers of the unique position of America as an exporting nation of both raw and manufactured products. This

situation complicates the problems of both farmers and manufacturers. It is a relatively simple matter for a country like England, where industry is the dominant source of revenue, to adopt trade policies that will benefit the nation as a whole. England can well afford to purchase the raw products of the colonies and of the Orient when there is a chance of selling back her manufactured articles. But the farmers of the United States are competing with the farmers of the newer countries where manufacturing has not yet developed. At the same time American manufacturers are competing with European manufacturers. In consequence our trade position is isolated and there is bound to ensue a struggle between American farmers and American exporters on any question where international trade possibilities are involved. This finds expression in conflicts over tariff legislation.

The farmer has good reason to believe that the future will witness this urban versus rural conflict grow into an even fiercer struggle. The relative increase of urban population over rural population will make it more difficult as time goes on for farmers to secure their tariff demands. A tariff on agricultural products is an integral part of a national policy for the perpetuating of a self-sufficing farm population.

(4) The ability of science to substitute one article for another in the manufacture of products. This has produced a new form of competition which is best illustrated in the case of the fat supply. American farmers produce certain vegetable oil materials, the most important of which are cottonseed, flaxseed, peanut, and soya bean. They are also producers of all of the animal fats. American fishermen are producers of important fish oils such as the menhaden and the cod liver oils, and some fishermen bring in whale oil.

In normal times we produce annually from 4,000,000,000 to 5,000,000,000 pounds of animal, fish, and vegetable fats and over 1,600,000,000 pounds of fat in butter. This alone would leave us an exportable surplus of about 700,000,000 pounds of fat, but owing to the interchangeability of oils, American manufacturers annually import about 300,000,000 pounds of fats, principally vegetable oils, which displace in industry the home-produced oils and fats. That increases our exportable surplus to nearly 1,000,000,000 pounds.

Not only are most of these vegetable oils interchangeable among themselves but they are also interchangeable with fish and animal oils. The margarine industry, for example, uses nearly a score of different types of fats as its ingredients.

Another illustration may be serviceable. In Europe soya bean oil is frequently used in the making of margarine. In this country soya bean oil competes primarily with cottonseed oil in the manufacture of lard substitutes. Soya bean oil also can enter into paint up to 30 per cent of the oil in the mix and thus competes with linseed oil. Soya bean oil competes with cottonseed oil as an important ingredient in the making of oleomargarine, but of late years imported coconut oil has become the most important vegetable fat used in this industry. Coconut oil also directly competes with butter in the confectionery and baking trades. Palm kernel oil bids fair to become the great competitor of coconut oil, since it can be used for anything for which coconut oil is now used. Peanut oil, cottonseed oil, and olive oil are important competitors in salad dressing. There are hosts of other oils such as sunflower, hemp, rape, sesame, and perilla seed. These in time will find important uses in competition with the major vegetable oils already being utilized.

Most of these competitive vegetable oils come from the Tropics of Asia and Africa with great possibilities of production in Australia and South America. In 1920, over 10,000,000,000 pounds of vegetable oil materials went into international export trade. The potential supply of these oils is unlimited. On the other hand, the animal oil supply is relatively limited and the fish oil supply varies with the catch. The European program with respect to fats is fairly definite. England, France, Holland, Germany, and Denmark are the chief manufacturers and the tendency of the Europeans is to bring to their plants the raw materials direct from these countries. Such a program gives them employments for their labor, manufacturers' conversion profits and the cattle feeds which are by-products of most oil seeds. Japan is a large converter of oils; but the large Japanese firms which operate in these fats can easily shift their programs to exporting all raw materials should converting the oils prove to be less profitable than the other trade. This is made possible by their far-flung networks of trading organizations which collect the raw materials and bring them to ports.

Certain American manufacturers of fats would like to have the privilege of purchasing vegetable-oil materials and oils duty free. That would enable them to displace large quantities of American-produced oils, which in turn would be forced upon the European markets in competition with additional quantities of Orient oils already going there. The interest, therefore, of the American farmer in a tariff on oils lies in protecting his domestic market on oil seeds which has been threatened by the former huge imports from the Orient. It would be easy to trace the direct relationship of the price of cottonseed to the market price of cottonseed oil, and the relationship of the market

price of cottonseed oil to the other major oils. Likewise it can be shown that there is a direct connection between the market price of coconut oil and the market price of butter and margarine.

Out of this situation we find the need of tariff protection to the producer of some commodities which already are exported in large quantities and whose prices are determined by international forces.

THE FORDNEY TARIFF BILL

The growing need for farm representation in tariff making was reflected in the activities of certain farm organizations while the Fordney-McCumber Tariff Act of September, 1922, was in the making. By that time many farm groups were agreed upon the need of duties being placed upon imported oils and fats. The dairy farmers had worked out a well-defined program with regard to dairy products. The wool producers and the egg and poultry men, the citrus and deciduous fruit growers had arrived at the duties they desired and the growers of cereal crops had given expressions. This made it possible for the permanent and temporary representatives of farm groups who were stationed in Washington to form a working committee among themselves and to make agreements. Those agreements were reflected in combinations which took place within the Congress. Most of the agricultural activity occurred after the House had passed the Fordney tariff bill. Grave inequalities in the bill caused the farm representatives to ask the Senate Committee on Finance to make needed changes. Very little difficulty was experienced in securing these changes with the exception of the paragraphs relating to vegetable oils. Here was staged a bitter contest with the Senate Finance Committee in the main being against the farmers and the Senate as a committee of the whole sustaining the position of its Finance Committee. When the matter came to final passage, however, the duties requested by the farm organizations on vegetable oils went through with the exception of the duty on copra, which largely neutralized the effectiveness of the duty on its derivative, coconut oil. This battle had many sensational features. While it was going on the oil markets of the United States reflected in a speculative way the varying fortunes of the contestants.

This tariff act gave more prominence to farm duties than any other act. It gave higher protective rates to organized industry than any other act. It also has produced more Federal revenue than any other act. Much criticism has been made of the act on the grounds that the protection given agriculture is outweighed by the protection given other industries. Intricate calculations have been made to sustain such criticisms. The writer does not purpose to deal with this phase of the subject beyond pointing out that most of these calculations have been theoretical and without enough fact basis to make them trustworthy. The important thing for farmers to remember in connection with this act is that they made great headway in establishing the principle of protection for agricultural products and secured a greater equalization of benefits than came from any previous tariff act.

FATAL "FLEXIBLE TARIFF PROVISION"

But there was a "fly in the ointment." The tariff act of 1922 contained a section which was destined to sow discord and perpetuate strife. It was section 315, popularly known as the "flexible tariff provision." Within five months after the passage of the act, certain industrial interests were invoking this provision in efforts to take away from farmers some of the benefits the latter had wrung out of Congress. And so the scene of conflict has shifted from the Halls of Congress to the home of the United States Tariff Commission, and the conflict itself has become continuous, expensive, and wasteful.

To understand this provision it may be well to recall the object of a tariff. The Government has one viewpoint. The industry concerned has its own viewpoint. The Government lays a tariff to secure revenue and bring about national economic sufficiency; but in doing so it must always consider the effect of such tariffs upon its friendly relations with other countries. The special industry seeks a tariff, usually, (1) to equalize costs of production plus a fair profit for most of the American producers, (2) to secure domestic price stabilization by preventing seasonal dumping, and (3) sometimes to obtain exorbitant profits at the expense of the consuming public. Other reasons may govern either the Government or the industry, but the problem of determining a rate is usually the result of a compromise between these views; and the compromise represents the judgment of common sense. The basic reason for one rate may be to protect against trade discrimination, another may be to develop needed industries, a third may be to prevent dumping, but no single reason can underlie the making of all of the tariff rates. It would therefore follow that no single rule can be workable in making changes in the rates which were fixed by Congress.

In making a tariff, Congress also recognizes a relationship which certain commodities have to each other and the rates on these commodities are scaled. Consequently, to change the rate on one commodity without taking into consideration its relation to some others can have very serious effects upon an industry. Notwithstanding this well-known principle in tariff making, Congress made a notable departure in the act of 1922 by including section 315. This departure was in part a compromise with critics who demanded that the

tariff be taken out of politics. In part it was a compromise with enthusiasts who desired to have the duties laid on the basis of their wholesale market value in America instead of in the country where they were produced.

The flexible tariff provision gives the President the right to make changes in the tariff to the extent of either raising or lowering the duties by 50 per cent. It provides that the necessary facts governing a change in the duties shall be ascertained by the United States Tariff Commission and the President shall make his decision only after the commission has reported the results of its fact finding. In ascertaining its facts, the commission is limited to a single rule, namely, the differences in cost of production in the United States and in some country which the commission may designate as the "principal country of competition." In exercising his judgment, the President is permitted slightly broader discretionary powers. The extent of these powers, however, have not been adequately determined and are hardly known to the general public. The commission may initiate inquiries. The President may also order the commission to initiate inquiries.

The flexible provision is of such a character that its operation is inevitably doomed to failure, for the rule by which investigations can be made is only one of the rules by which Congress determines a duty. Congress was evidently unwilling to give either the President or the commission as broad a grant of power in rate changing as it possesses in rate making. To have done so would undoubtedly have been unconstitutional. Even the power already granted is held by some constitutional authorities to be a direct violation of the Constitution itself. Yet it must be clear to anyone that the power to change, if this power is to be effective, must be as broad as the power to levy duties.

Agricultural organizations have had an unusual amount of contact with the operation of the flexible tariff provision. (On December 1, 1924, about two years and two months after the passage of the flexible tariff provision, the United States Tariff Commission had started 40 investigations, but abandoned 8. Of the remaining 32 the commodities affected are not of great importance except those affecting agriculture; i. e., butter, sugar, casein, Swiss cheese, wheat and wheat products, linseed oil, cottonseed oil, peanut oil, soya bean oil, coconut oil, and fish oils. Decisions had been reached in only 3 out of the 32 cases. One of these decisions concerned wheat and wheat products. The commission recommended and the President ordered the duty to be raised on wheat and lowered on wheat-milled feeds. The result was a lessening of spring wheat imports from Canada and an increase in imports of milled feeds.) A large amount of the commission's activities during the past two years has been devoted to investigations of the fairness of rates in commodities affected with an agricultural interest. In fact, so much time has been given by the commission to studies of this character that it may be reasonable to say that the opponents of duties on raw products are seeking to utilize this new machinery to carry out their ends. So far, the experience of farmers with the commission has been sufficiently unsatisfactory to cause some important groups to ask for the repeal of the flexible tariff provision. Here are some of the reasons why they seek a return to the old practice of congressional tariff making:

The act creating the Tariff Commission conceived of a research body without quasi-judicial functions. The Tariff Commission was to make continuous studies of tariff facts and report its findings to Congress from time to time. A commission of this character could very easily do its duty on a bipartisan basis, and the law provided that not more than three members should belong to a single political party. But when the flexible tariff provision became a part of the law the commission's functions automatically changed. While it is true that the Attorney General has held that it is still a fact-finding body, it is also true that its methods of working resemble that of an economic court. It sits as a body in public hearings, collects facts, and passes its judgments on to the President for a final decision. Under conditions of this character, a bipartisan commission can hardly hope to arrive at unanimous conclusions, and its members are very likely to carry into practical operation the traditions of their respective parties with regard to conclusions. It is doubtful whether any bipartisan commission could be selected that would be unanimous. It is also doubtful whether any commission, even if it were unanimous, could apply satisfactorily the cost-of-production rule in making tariff changes.

The above criticism applies to the general workings of the law. The following criticisms will apply to the procedure adopted by the present commission which has made its activities so obnoxious to agricultural producers.

WHEREIN THE COMMISSION HAS FAILED

(1) The commission has the right to determine what is the principal country of competition. It has established no set rule for determining this question, but has generally been guided by volume of exports. Potential competition has not been given its proper place in the commission's consideration. This is illustrated by the commission's investigation of the butter tariff rates. Without consulting the organized dairy interests, the commission took upon itself the task of determining the principal country of competition and decided it to be Denmark. Now, it happens that Denmark is a country which has

about reached the peak of its possible exports. It is also a country which produces butter at very high costs and trusts to improved marketing machinery and the production of a high class of product to offset the disadvantage of high production costs. Denmark also has the practice of so distributing her butter exports that her principal markets will never be excessively crowded. It sometimes happens that heavy receipts in the British market from New Zealand, Argentina, and Australia make it necessary for Denmark to shift a part of her butter to other markets. Should the exchange rates be satisfactory, she will move certain cargoes to the port of New York; but her shipments to the United States are usually only for this purpose, or when the exchange would permit a profitable movement. Argentina, New Zealand, and Australia, on the other hand, are countries of very large production possibilities and their production curves have been ascending rapidly since the close of the World War. These countries have not built for themselves, as yet, the markets which the Danish people have worked up, and they are seeking to put their butter wherever there may be a demand. This situation has caused Denmark to view with some concern the competition of the Southern Hemisphere and to send investigators there to study production trends. The known lower costs in these countries, combined with their rapid increases in production, make them more formidable potential competitors for the American domestic market than Denmark ever can be. Yet the commission injudiciously chose Denmark, and the results of that choice may prove detrimental and even disastrous to the American dairy farmers. If a comparison of the costs of production in Denmark and the United States should reveal only slight differences, it would be very difficult for the President to avoid lowering the butter tariff rate, even though the effect of this lowering would be greatly to accelerate the movement into the United States of butter from the Southern Hemisphere. It may therefore happen that a strict application of the cost of production theory will intensify the dumping evil.

(2) One theory upon which the flexible tariff provision rested was the necessity of making rapid adjustments in tariff rates to equalize changing conditions of competition: The procedure of the Tariff Commission has not justified such expectations. Its investigations have been long drawn out and characterized by a lack of decision. Only one or two investigations have been concluded. This slowness of action clearly frustrates the design of Congress; for it may result in decisions to change rates based upon evidence taken at cut-off periods of from one to two years prior to a decision. For example, the investigation of casein began in the early spring of 1923. That investigation has not yet produced a decision. But uncertainty as to the result of the investigation was no doubt a contributing factor to the crash in market prices of casein which occurred shortly after the investigation began.

(3) In some very important cases where the producers have maintained that the competition was between agricultural producers of competing nations, the commission has insisted upon deciding the competition to be between the manufacturers or converters of the raw materials: In those cases it has failed to utilize evidence of agricultural costs; it has taken manufacturers' converting costs and the prices paid by manufacturers for raw materials. The two most notable instances of this attitude have to do with the investigations of sugar and of vegetable oils. In the sugar case, however, the President recognized the justice of the American sugar planter's plea, which was sustained by most of the farm organizations and ordered the commission to report upon farm costs. The vegetable oil cases are still pending, but it is known that the investigators are not studying the agricultural costs in these instances.

(4) The flexible tariff provision instructs the commission to give notice of hearings so that interested parties "shall be given an opportunity to be present, to produce evidence, and to be heard": But in its procedure the commission appears to consider these hearings as mere "window dressing" affairs. It sits patiently through the hearings but refuses the interested parties permission to make direct inquiries of the investigators of the commission itself. In consequence it is often impossible to get at the fact basis of the commission's private investigations. The commission receives evidence from (a) witnesses at public hearings, (b) investigators employed by it, and (c) confidential evidence voluntarily furnished to it. The interested parties are not in a position to refute evidence of which they have no knowledge and hence this phase of the commission's procedure is very unpopular with farm producers.

(5) It is doubtful whether it has ever succeeded in getting exactly comparable cost data: It is well known that investigations in foreign countries have been unsatisfactory and have produced very little information exactly comparable with investigations in this country. The commission's investigators have been furnished with certain types of information, but they have rarely been given an opportunity to make really adequate checks of the accuracy of such information.

(6) The bipartisan character of the commission and its new responsibilities have laid it open to the just charge that the flexible tariff provision has plunged the tariff further into politics than it ever was before: This bipartisan character results in destroying the

reputation of the commission for fair-minded, disinterested, scientific investigations. It is destroying the confidence of the public in the commission itself.

The above criticisms, in the judgment of this writer, would be inevitably true, no matter whom the President might appoint on the Tariff Commission. It is the logical result of the transference by Congress of a power which should have remained vested in Congress itself.

While the flexible tariff provision should be repealed, there remains an important function for the commission to perform. This function is the one for which it was originally created. It should be adequately financed to carry on studies of the effects of each tariff upon the public and the industries concerned and to make its reports to Congress. But tariff-making by commission or Executive order is to-day highly repugnant to the agricultural groups who have had experience with this unfortunate practice. As between tariff making by Congress and tariff changing by Executive order, there is no doubt where agriculture should stand. It can adjust itself to almost any tariff; but it can not adjust itself easily to the uncertainty which prevails under the flexible tariff provision. This uncertainty is aggravated by speculators who take advantage of the possibilities of change.

PRICE-MAKING ELEMENT IN TARIFF

One phase of this situation deserves some consideration. It is claimed that a tariff unsupported by price-making machinery can have little influence upon domestic prices of agricultural commodities when those commodities are internationally produced and subject to international trade influences. Wheat is taken as the principal illustration of this contention. It has been held that the tariff on wheat has had little to do with the price of wheat. Undoubtedly that is true with the exception of spring wheat, but considerable evidence exists to show that the grower of spring wheat has materially benefited by the existence of a duty. Great benefits have come to the Northwest from the duties on flaxseed and linseed oil and the remarkable acreage increases in flaxseed which has been marketed at a fair range of prices attest this fact.

This wheat situation, however, led to a movement to bring about Government interference with market prices in such a way as to stabilize domestic prices of certain agricultural products behind a high tariff wall. This movement culminated in the attempt to pass the well-known McNary-Haugen bill. That bill rested upon a further extension of the flexible tariff powers so that imports of commodities could be completely shut off and a governmental corporation could name a price on domestic sales which would return to farmers a ratio price slightly under the buying power of these agricultural commodities for the period 1909-1913. It was then proposed that this corporation should sell the surplus products upon the world market and spread the losses on export sales among the producers by a plan which would resemble a governmentally operated pool.

This movement fell short of attainment in the last session of Congress; but it has many strong advocates who will make another attempt to enact the McNary-Haugen bill. It is mentioned here primarily to show the growing importance of tariff-making in the minds of American farmers. It also shows in a vivid way a groping toward forms of organization that will be effective in domestic marketing and comparable with the price-making powers of great industrial organizations.

BATHING BEACH FOR COLORED RESIDENTS

Mr. WALSH of Montana. Mr. President, I desire to address an inquiry to the Senator from Delaware [Mr. BALL], chairman of the Committee on the District of Columbia. I inquire of the Senator if he is able to advise us what the work of construction is that is being carried on within and just outside of the Tidal Basin at the foot of Seventeenth Street?

Mr. BALL. I am not.

Mr. WALSH of Montana. Is the Senator unaware of the work?

Mr. BALL. That is a matter which comes before the subcommittee of the Committee on Appropriations on the District of Columbia appropriation bill, of which the Senator from Colorado [Mr. PHIPPS] is chairman.

Mr. WALSH of Montana. Can the Senator from Colorado advise us? I am desirous of learning what the work of construction is that is being carried on at the foot of Seventeenth Street, just inside and outside the Tidal Basin.

Mr. PHIPPS. I am not sure. I would hesitate to answer the Senator offhand, but an inquiry of the engineer commissioner would certainly bring forth the necessary information.

Mr. WALSH of Montana. I am informed that the work is for the construction of a bathing beach for the colored population of the city of Washington.

Mr. PHIPPS. That may be. The authority to find a suitable location for that purpose rests with the Secretary of War. As the Senator may be aware, there was some difference of

opinion and a great deal of difficulty experienced in finding a suitable and proper location. One site which had been selected was at the farther end of the Key Bridge on property belonging to the District. That was given up on account of objection on the part of residents of the near-by section of the city there.

The site which the Secretary of War has now recommended, as I understand it, is on the westerly side of the Tidal Basin, across the stretch of water from the beach now being occupied for the purposes of bathing by white residents, and is so situated that it is already partially screened, and can be properly and absolutely screened from the public view of those driving through the park on the established roads and driveways. The location there was decided upon, I am informed, as being less objectionable than any other that was possible of development for that purpose. It was deemed essential to provide facilities for the colored residents of the District, as otherwise they would demand their full and equal right to use the bathing beach which is now established and in use.

Mr. WALSH of Montana. It may be recalled that when an appropriation for this purpose was under consideration some two or three years ago it was maintained on the floor of the Senate by those who were resisting the appropriation that it was the purpose to establish a bathing beach on the west side of the Tidal Basin, and it was opposed for that reason. The most solemn kind of assurances were given on the floor of the Senate that nothing of the kind was contemplated at all, and relying upon those assurances I voted in favor of the appropriation, as, I dare say, others did. Now, I am astonished to learn that the Tidal Basin is to be desecrated—no other word will characterize it—desecrated by the establishment in the most conspicuous place about the entire Basin of a bathing beach for the colored population of the city of Washington.

When the bathing beach for the white people of the District was established within the Basin it was regarded as an unwarrantable intrusion, but it was put in an inconspicuous place. Practically every person going for a ride or a drive or a walk about the Mall goes down Seventeenth Street past the beautiful buildings which line that street—the D. A. R. Hall, the Red Cross Building, and the Pan-American Building—and on down to the foot of Seventeenth Street, and there strikes a bathing beach for the colored population of the city of Washington.

In addition to that, I am advised, and I have no doubt it is the case, that the health of the city is imperiled by devoting that comparatively still, if not stagnant, water to bathing purposes, even for the white population, not to speak of the colored population that are now going to use it.

Mr. PHIPPS. Mr. President, will the Senator yield again?

Mr. WALSH of Montana. I yield to the Senator from Colorado.

Mr. PHIPPS. When the matter was under discussion two or three years ago I have no recollection of the west side of the Tidal Basin having been considered. The proposed location was brought to my attention just about a year ago this month, I believe, by Colonel Sherrill, who is in charge of the parks. That was the first time I had been informed that the Secretary of War had decided upon that location for the establishment of a bathing beach for the colored population.

Colonel Sherrill pointed out the ground, called attention to the trees and the shrubbery that were already installed there, gave me information as to the carrying out of the plan that they had in mind for perfecting the scheme, and I am frank to say that my personal judgment on it was that it would not be objectionable to the general public who use that section of the park. I do not see that it would be more objectionable than the establishment that is now on the east side, which is used by white people.

I think the designation "Tidal Basin" is incorrect. My understanding is that that water does not come direct from the river, but is pumped in; that it is chemically treated with chlorine or other chemical substances; that the health and welfare of those who use the present bathing facilities is well and thoroughly looked after; and that the same provision would be made for the use of the so-called west beach by the colored residents. The bill which we intend to bring up to-day making appropriations for the District of Columbia carries an item for the purification of the water.

Mr. WALSH of Montana. Then I understand the Senator to say that the location was selected by the Secretary of War?

Mr. PHIPPS. That is my understanding.

Mr. WALSH of Montana. And by what authority?

Mr. PHIPPS. He was given authority.

Mr. WALSH of Montana. By what act?

Mr. PHIPPS. I can not at this time direct the Senator's attention to the particular legislative enactment, but I have

reason to believe that authority to select the site was conferred upon the Secretary of War.

Mr. WALSH of Montana. Nothing in the appropriation would suggest that.

Mr. PHIPPS. The original appropriation, as I recall it, was made some three years ago, and there was a modification in a later act. Of course, I did not know the Senator was going to bring up the subject this morning, or I should have taken pains to inform myself as to the history of the proposed establishment.

Mr. WALSH of Montana. I have looked at it only in the most cursory way, but I was unable to see in what I found any reference to the Secretary of War or any grant of authority to him in the premises. However, of course, I take the Senator's word that he is the officer who made the selection; but I do not hesitate to say that the matter ought to have the attention of the Senate, and I think that whatever power has been granted to select that place ought promptly to be revoked.

AMERICAN WAR MOTHERS

Mr. SPENCER. Mr. President, the House of Representatives has just sent over a bill (H. R. 9095) to incorporate the American War Mothers. It is the same as Calendar No. 1054, being Senate bill 3213, which was reported unanimously by the Committee on the Judiciary, and merely proposes to incorporate the organization under the laws of the District of Columbia. I ask unanimous consent that the House bill may be substituted for the Senate bill and immediately considered.

The PRESIDING OFFICER. Is there objection?

Mr. ROBINSON. What is the object of incorporating the War Mothers?

Mr. SPENCER. The American War Mothers is an organization of mothers who had sons who served in the late war. It is a national organization, which intends to publish a magazine and secure members in the States and to cease when the war mothers have all gone.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri?

Mr. OVERMAN. Is this a District bill or is it a general bill?

Mr. SPENCER. It merely provides for a District of Columbia corporation.

There being no objection, the bill was read twice by its title and considered as in Committee of the Whole, and it was read at length, as follows:

Be it enacted, etc., That the following-named persons, namely:

Alice M. French, founder, Indianapolis, Ind.; Mable C. Digney, State war mother, White Plains, N. Y.; Mrs. George Gordon Seibold, Washington, D. C.; Mary I. Huntington, State war mother, Bloomington, Ind.; Edna C. Wilson, State war mother, Warrensburg, Mo.; Libbie Thomas, State war mother, Racine, Wis.; Virginia Heaen, State war mother, Frankfort, Ky.; A. Shanahan, State war mother, Jersey City, N. J.; Blanche A. Bellak, State war mother, Philadelphia, Pa.; Lydia Burby, State war mother, Butte, Mont.; Estelle T. Wilcox, State war mother, Omaha, Nebr.; Emile Hendricks, State war mother, Salem, Oreg.; Grace R. Montgomery, State war mother, Charlotte, N. C.; Kate C. DeKay, State war mother, Blackfoot, Idaho; Elizabeth Allen, State war mother, Loveland, Colo.; Ida McCullough, State war mother, Ottawa, Ill.; Rose S. Sargent, State war mother, San Francisco, Calif.; Jessie Monahan, State war mother, Edmond, Okla.; Margaret N. McCluer, Kansas City, Mo.; Carrie R. Root, Gardner, Ill.; Mary E. Spence, Milwaukee, Wis.; Alice Bronson Oldham, Lexington, Ky.; Florence A. Latham, Kansas City, Mo.; Mahala M. Boyd, New Castle, Ind.; Carrie White Avery, Washington, D. C.; H. C. Morrison, Shelbyville, Ind.; Jeanette Boone, Kansas City, Mo.; Gertrude R. Cary, Joliet, Ill.; Mrs. R. E. Little, Wadesboro, N. C.; Mrs. Isabelle Clements, Sacramento, Calif.; Mrs. Alice E. Evans, Pueblo, Colo.; Mrs. Mary Dawson, Idaho Falls, Idaho; Mrs. Jessie T. Lesh, Chicago, Ill.; Mrs. Harry C. Morrison, Shelbyville, Ind.; Mrs. Jessie E. Moody, Carterville, Mo.; Mrs. J. L. Roddy, North Platte, Nebr.; Mrs. Catherine H. Connelly, Newark, N. J.; Mrs. Ella O'Gorman Stanton, Bronx, New York City, N. Y.; Mrs. R. C. Warren, Gastonia, N. C.; Mrs. Hattie V. Selkin, Oklahoma City, Okla.; Mrs. Ida Boxwell, Middletown, Ohio; Mrs. Charles S. Fohl, Harrisburg, Pa.; Mrs. E. L. Phillip, Milwaukee, Wis.; Mrs. Julia A. Wilkinson, Portland, Me.; and their associates and successors duly chosen are hereby incorporated and declared to be a body corporate of the District of Columbia by the name of American War Mothers, and by such name shall be known and have perpetual succession with the powers, limitations, and restrictions herein contained.

SEC. 2. That the persons named in section 1 hereof and such other persons as may be selected from among the membership of American War Mothers, an association of women whose sons and daughters served the allied cause in the great World War between the dates of April 6, 1917, and November 11, 1918, are hereby authorized to meet

to complete the organization of said corporation by the selection of officers, the adoption of a constitution and by-laws, and to do all other things necessary to carry into effect the provisions of this act, at which meeting any person duly accredited as a delegate from any local or State organization of the existing organization known as American War Mothers shall be permitted to participate in the proceedings thereof.

SEC. 3. That the object of the corporation shall be to keep alive and develop the spirit that prompted world service; to maintain the ties of fellowship born of that service and to assist and further any patriotic work; to inculcate a sense of individual obligation to the community, State, and Nation; to work for the welfare of the Army and Navy; to assist in any way in their power men and women who served and were wounded or incapacitated in the World War; to foster and promote friendship and understanding between America and the Allies in the World War.

SEC. 4. That said corporation shall hold its meetings in such place as the incorporators or their successors shall determine.

SEC. 5. That the corporation created by this act shall have the following powers: To have succession until the membership as herein-after provided for shall become extinct, with power to sue and be sued in courts of law and equity; to receive, hold, own, use, and dispose of such real estate and personal property as shall be necessary for its corporate purposes; to adopt a corporate seal and alter the same at pleasure; to adopt a constitution, by-laws, and regulations to carry out its purposes, not inconsistent with the laws of the United States or of any State; to use in carrying out the purposes of the corporation such emblems and badges as it may adopt; to establish and maintain offices for the conduct of its business; to establish State, Territorial, and local subdivisions; to publish a magazine or other publications, and generally to do any and all such acts and things as may be necessary and proper to carry into effect the purposes of the corporation.

SEC. 6. That all of the personal property and funds of the corporation held or used for the purposes hereof, pursuant to the provisions of this act, whether of principal or income, shall, so long as the same shall be so used, be exempt from taxes by the United States or any Territory or District thereof: *Provided*, That said corporation shall not accept, own, or hold directly or indirectly any property, real or personal, except such as may be reasonably necessary to carry out the purposes of its creation as defined in this act.

SEC. 7. That membership is limited to women, and no woman shall be a member of this corporation unless she is a citizen of the United States and unless her son or sons or daughter or daughters of her blood served in the Army or Navy of the United States or in the military or naval service of its allies in the great World War at some time during the period between April 6, 1917, and November 11, 1918, both dates inclusive, having an honorable discharge or still in the service.

SEC. 8. That this organization shall be nonpolitical, and as an organization shall not promote the candidacy of any person seeking public office.

SEC. 9. That said corporation may acquire any or all of the assets of the existing organization known as American War Mothers upon discharging or satisfactorily providing for the payment and discharge of all its liabilities.

SEC. 10. That said corporation and its State, Territorial, and local subdivisions shall have the sole and exclusive right to have and to use in carrying out its business purposes the name of American War Mothers.

SEC. 11. That said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for the preceding calendar year, including a full and complete report of its receipts and expenditures: *Provided, however*, That said report shall not be printed as a public document.

SEC. 12. That as a condition precedent to the exercise of any power or privilege herein granted or conferred this corporation shall file in the office of the secretary of each State the name and post-office address of an authorized agent in such State upon whom local process or demands against American War Mothers may be served.

SEC. 13. That this charter shall take effect upon its being accepted by a majority vote of the incorporators named herein who shall be present at the first meeting of the corporation, due notice of which meeting shall be given to each of the incorporators named herein, and a notice of such acceptance shall be given by said corporation, causing a certificate to that effect, signed by its president and secretary, to be filed in the office of the recorder of deeds of the District of Columbia.

SEC. 14. That Congress may from time to time alter, repeal, or modify this act of incorporation, but no contract or individual right made or acquired shall hereby be divested or impaired.

SEC. 15. That the management and direction of the affairs of the corporation and the controlling and disposing of its property and funds shall be vested in the persons duly elected at the last annual convention held in Kansas City, Mo., who shall be the officers of the American War Mothers for the year beginning October, 1923, to serve

until the next annual convention to be held at Philadelphia, Pa., on October 8, 1925, or until their successors are duly appointed, and who are the following:

Margaret N. McCluer, national war mother, Kansas City, Mo.; Carrie L. Root, first vice national war mother, Cardner, Ill.; Blanche A. Bellak, second vice national war mother, Philadelphia, Pa.; Mary E. Spence, third vice national war mother, Milwaukee, Wis.; Rose S. Sargent, fourth vice national war mother, San Francisco, Calif.; Alice Bronson Oldham, national recording secretary, Lexington, Ky.; Florence A. Latham, national corresponding secretary, Kansas City, Mo.; Mahala M. Boyd, national treasurer, Newcastle, Ind.; Kate C. De Kay, national historian, Blackfoot, Idaho; Carrie White Avery, national custodian of records, Washington, D. C.; Estelle T. Wilcox, national auditor, Omaha, Nebr.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. If there be no objection, the bill (S. 3213) to incorporate the American War Mothers will be indefinitely postponed.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by title and referred as indicated below:

H. R. 7762. An act to provide for the method of measurement of vessels using the Panama Canal; to the Committee on Inter-oceanic Canals.

H. R. 3842. An act to provide for terms of the United States district court at Denton, Md.; and

H. R. 5265. An act to authorize the appointment of stenographers in the courts of the United States and to fix their duties and compensation; to the Committee on the Judiciary.

H. R. 11410. An act to extend the time for the exchange of Government lands for privately owned lands in the Territory of Hawaii; to the Committee on Territories and Insular Possessions.

H. R. 11636. An act authorizing and directing the Postmaster General to grant permission to use special canceling stamps or postmarking dies in the Chicago post office; to the Committee on Post Offices and Post Roads.

H. R. 12001. An act to provide for the elimination of Lamond grade crossing in the District of Columbia, and for the extension of Van Buren Street; to the Committee on the District of Columbia.

H. R. 9062. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes; and

H. R. 9160. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington to submit to the Court of Claims certain claims growing out of treaties and otherwise; to the Committee on Indian Affairs.

H. R. 11755. An act for the relief of Capt. Douglas E. Dismukes, United States Navy; and

H. R. 11921. An act to authorize the permanent appointment of any acting chaplain in the Navy to the temporary grade and rank in the Navy held by him during the World War; to the Committee on Naval Affairs.

H. R. 9724. An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and of the memorial shaft erected to his memory, and for other purposes;

H. R. 11799. An act to secure a replica of the Houdon bust of Washington for lodgment in the Pan American Building;

H. J. Res. 318. Joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Bunker Hill, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; and

H. J. Res. 342. Joint resolution to authorize the appointment of an additional commissioner on the United States Lexington-Concord Sesquicentennial Commission; to the Committee on the Library.

H. R. 12086. An act to authorize the transfer of the United States Weather Bureau site and buildings at East Lansing, Mich., to the State of Michigan in exchange for another Weather Bureau site on the grounds of the Michigan State Board of Agriculture and other considerations; and

H. R. 12192. An act to authorize the creation of game refuges on the Ozark National Forest in the State of Arkansas; to the Committee on Agriculture and Forestry.

H. R. 11067. An act to provide for the relinquishment by the United States of certain lands to the county of Kootenai, in the State of Idaho;

H. R. 11077. An act authorizing the issuance of patents to the State of South Dakota for park purposes of certain lands within the Custer State Park, now claimed under the United States general mining laws, and for other purposes;

H. R. 11210. An act to grant certain public lands to the State of Washington for park and other purposes;

H. R. 11644. An act granting certain public lands to the city of Phoenix, Ariz., for municipal park and other purposes;

H. R. 11726. An act to authorize the creation of a national memorial in the Harney National Forest; and

H. R. 11952. An act to authorize the exchange of certain patented lands in the Rocky Mountain National Park for Government lands in the park; to the Committee on Public Lands and Surveys.

H. R. 5261. An act to repeal and reenact chapter 100, 1914, (Public, No. 108), to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes;

H. R. 10472. An act to provide for restoration of the old Fort Vancouver stockade;

H. R. 10771. An act authorizing the acquisition of land and suitably marking the site of the Battle of Franklin, Tenn.;

H. R. 11355. An act authorizing the Secretary of War to convey by revocable lease to the city of Springfield, Mass., a certain parcel of land within the Springfield Military Armory Reservation, Mass.;

H. R. 12064. An act to recognize and reward the accomplishment of the world flyers; and

H. J. Res. 115. Joint resolution approving the action of the Secretary of War in directing the issuance of quartermaster stores for the relief of sufferers from the cyclone at Lagrange and at West Point, Ga., and vicinity, March, 1920; to the Committee on Military Affairs.

H. R. 9199. An act to prevent the pollution by oil of navigable rivers of the United States;

H. R. 11668. An act granting consent of Congress to the States of Missouri, Illinois, and Kentucky to construct, maintain, and operate bridges over the Mississippi and Ohio Rivers at or near Cairo, Ill., and for other purposes;

H. R. 11703. An act granting the consent of Congress to G. B. Deane, of St. Charles, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of St. Charles, in the county of Arkansas, in the State of Arkansas;

H. R. 11737. An act authorizing preliminary examinations and surveys of sundry rivers with a view to the control of their floods;

H. R. 11825. An act to extend the time for the construction of a bridge over the Ohio River near Steubenville, Ohio;

H. R. 11953. An act granting the consent of Congress for the construction of a bridge across the Grand Calumet River on the north and south center line of section 33, township 37 north, and range 9 west of the second principal meridian in Lake County, Ind., where said river is crossed by what is known as Kennedy Avenue;

H. R. 11954. An act granting the consent of Congress for the construction of a bridge across the Grand Calumet River at Gary, Ind.;

H. R. 11977. An act to extend the time for the commencement and completion of the bridge of the American Niagara Railroad Corporation across the Niagara River in the State of New York; and

H. R. 11978. An act granting the consent of Congress to the Commissioners of McKean County, Pa., to construct a bridge across the Allegheny River; to the Committee on Commerce.

ORDER FOR EVENING SESSIONS

Mr. CURTIS. Mr. President, I desire to present requests for two unanimous-consent agreements, and I ask the attention of the leader on the other side of the Chamber, the Senator from Arkansas [Mr. ROBINSON].

I ask unanimous consent that to-day at 5 o'clock the Senate proceed to the consideration of executive business, and that at the conclusion of executive business the Senate take a recess until 8 o'clock to-night for a night session.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Kansas?

Mr. ROBINSON. May I ask the Senator what measures it is proposed that the Senate shall consider at the night session?

Mr. CURTIS. I hope to have the appropriation bills taken up. The District of Columbia appropriation bill, I understand, will be called up at 2 o'clock to-day, and if that shall not have been concluded before the beginning of the evening session we

hope then to proceed with its consideration. If it shall be completed, we hope to go on with the legislative appropriation bill.

Mr. ROBINSON. I have no objection to the request, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas? The Chair hears none, and the unanimous-consent agreement is entered into.

Mr. CURTIS. Mr. President, I now submit a unanimous-consent agreement for to-morrow. I ask unanimous consent that to-morrow at 5 o'clock the Senate shall proceed to the consideration of executive business; that at the conclusion of the executive business it shall take a recess until 8 o'clock; and that at the night session, which shall not run beyond 11 o'clock, unobjected bills on the calendar shall be taken up at the point on the calendar where we left off on yesterday.

The PRESIDING OFFICER. The Chair suggests to the Senator from Kansas that the calendar will be considered to-day.

Mr. CURTIS. I amend my request and ask that the consideration of the calendar shall begin at the evening session to-morrow where we leave off if we consider the calendar to-day.

The PRESIDING OFFICER. Is there objection?

Mr. ROBINSON. Does the Senator from Kansas mean that we shall consider only unobjected bills?

Mr. CURTIS. That only unobjected bills shall be considered.

Mr. ROBINSON. I have no objection, Mr. President.

Mr. NORRIS. I think the Senator ought to include in his unanimous-consent request that the evening session shall be for the purpose of considering only unobjected bills.

Mr. CURTIS. I thought I had included that.

Mr. ROBINSON. That is the way I understood the Senator from Kansas to state his request.

Mr. CURTIS. I had intended to do so, and I thought that was the way I had stated it. I now ask that only unobjected bills shall be considered at the evening session to-morrow and that debate be limited to five minutes on each bill and amendment.

Mr. BRUCE. Mr. President, before the question is put and the result announced on the request of the Senator from Kansas for unanimous consent, I wish to reserve the right to object. What I am concerned with individually is not so much unobjected bills but bills which are objected to. I think some of them are bills which should not be objected to, and I ask for nothing except an opportunity to present reasons why the bills should be passed.

Mr. CURTIS. At a night session it would hardly be possible to dispose of a bill to which objection should be made. In such a case all the time would be taken up in debate. I might state to the Senator from Maryland, however, that the bill in which he is so deeply interested, as are some of the other Senators, is second or third on the list of the bills listed for consideration, and it ought to be reached within the next few days.

Mr. BRUCE. Very well.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Kansas? The Chair hears none, and the unanimous-consent agreement is entered into.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF BATTLE OF BENNINGTON AND INDEPENDENCE OF VERMONT

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3895) to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont, which were, on page 2, after line 2, to insert the following:

SEC. 2. That in commemoration of the seventy-fifth anniversary of the admission of the State of California into the Union there shall be coined at the mints of the United States silver 50-cent pieces to the number of not more than 300,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

The coins herein authorized by section 2 hereof shall be issued only upon the request of the San Francisco Clearing House Association and the Los Angeles Clearing House Association, or either of them, and upon payment by such associations, or either of them, to the United States of the par value of such coins.

SEC. 3. That in commemoration of the one hundredth anniversary of the founding of Fort Vancouver by the Hudson Bay Co., State of Washington, there shall be coined at the mints of the United States silver 50-cent pieces to the number of not more than 300,000, such

50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

That the coin herein authorized shall be issued only upon the request of the executive committee of the Fort Vancouver Centennial Corporation, of Vancouver, Wash., and upon payment by such executive committee for and on behalf of the Fort Vancouver Centennial Corporation of the par value of such coins, and it shall be permissible for the said Fort Vancouver Centennial Corporation to obtain said coins upon said payment, all at one time or at separate times, and in separate amounts, as it may determine.

On page 2, line 3, to strike out "2" and insert "4"; and to amend the title so as to read: "An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont, in commemoration of the seventy-fifth anniversary of the admission of California into the Union, and in commemoration of the one hundredth anniversary of the founding of Fort Vancouver, State of Washington."

Mr. CURTIS. On behalf of the senior Senator from Vermont [Mr. GREENE] I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

AMENDMENT OF NATIONAL DEFENSE ACT

The PRESIDING OFFICER laid before the Senate the amendments of the House to the bill (S. 3760) to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes, which were, on page 2, to strike out lines 13 to 25, inclusive; on page 3, to strike out lines 1 and 2; on page 3, line 3, to strike out "3" and insert "2"; on page 4, line 17, to strike out "4" and insert "3"; on page 7, line 1, to strike out "5" and insert "4"; on page 9, line 16, to strike out "6" and insert "5"; and on page 10, line 15, to strike out "7" and insert "6."

Mr. WADSWORTH. Mr. President, this bill might be described as the omnibus National Guard measure which passed the Senate some two or three weeks ago, containing a number of corrections of the national defense act, upon which there was general and unanimous agreement. The House has passed the Senate bill and sent it back, after having amended it by striking out one of the sections. That section relates to the machinery which was to be erected to eliminate from Federal recognition incompetent National Guard officers. The House apparently thought that provision required more and better study. That is the only amendment to the text of the bill, save renumbering the sections.

Mr. ROBINSON. The Senator proposes to concur in the House amendments.

Mr. WADSWORTH. I move that the Senate concur in the House amendments.

The motion was agreed to.

MISSISSIPPI RIVER FLOOD CONTROL

Mr. RANDELL. Out of order I ask the Chair to lay before the Senate House bill 12004, which has just been sent over here and is identical with a bill passed by the Senate on yesterday. Identical bills were introduced by me in the Senate and by my colleague [Mr. WILSON] in the other House. The bill passed the respective bodies yesterday.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives, the title of which will be stated.

The bill (H. R. 12004) authorizing an investigation, examination, and survey for the control of excess floor waters of the Mississippi River below Red River Landing in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes, was read twice by its title.

Mr. RANDELL. I ask unanimous consent for the immediate consideration of the House bill.

Mr. HARRISON. Mr. President, reserving the right to object, I ask the Senator for an explanation of the bill.

Mr. RANDELL. The bill authorizes the Secretary of War to make a survey with a view of recommending spillways on the lower Mississippi south of the mouth of the Red River.

Mr. HARRISON. On the west side of the river?

Mr. RANDELL. It could only be on the left-hand side, I imagine, though below New Orleans it might also affect the right-hand side. I do not know as to that, however. The bill simply authorizes a survey, and, of course, that will be reported back to Congress. Nothing in the world can be done until a survey is made.

Mr. HARRISON. I will look into the bill and will have no objection, of course, if I find it to be all right; but it is a matter in which my people are very much interested, and I should like at least an opportunity to examine the measure.

Mr. RANDELL. I have no objection, of course, to that action being taken. The Senate bill passed this body yesterday, and I am simply asking now that the Senate act on the House bill, which is identical with the bill which passed the Senate.

Mr. HARRISON. I will have to object for the present, because I was temporarily out of the Chamber on yesterday, if such a bill was passed. It is the first knowledge I have of the matter.

The PRESIDING OFFICER. Objection is made.

THE PRICE OF GASOLINE

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The reading clerk read Senate Resolution 337, submitted by Mr. TRAMMELL on the 12th instant, as follows:

Whereas during the past two weeks there have throughout the United States been advances in the wholesale and retail price of gasoline, amounting in some of the States to as much as 6 cents a gallon; and

Whereas such enormous increase in the price of this quite generally used product apparently is arbitrarily made and is unwarranted; and

Whereas it is desirable that an inquiry be made to ascertain the cause for such apparently arbitrary and unwarranted increase in the price of gasoline: Therefore, be it

Resolved, That the Federal Trade Commission be, and it is hereby, directed to investigate the action of the producers and the wholesalers of gasoline, and the retailers thereof, in making such enormous increase in the price of this product; and be it further

Resolved, That the Federal Trade Commission make investigation and inquiry to ascertain if the producers and wholesalers of gasoline maintain a monopoly or combination in restraint of trade or commerce and in violation of law; be it further

Resolved, That the said commission shall make such investigation hereby directed with reasonable dispatch and report to the Senate the results of such investigation; and be it further

Resolved, That should it be determined that the producers and sellers maintain a monopoly or combine in violation of law, that the commission shall proceed forthwith by appropriate action for the punishment of such monopoly or trust and the dissolution thereof.

The PRESIDING OFFICER. The question is upon agreeing to the resolution.

Mr. CURTIS. Mr. President, has the Senator from Florida anything to say for his resolution? I expect to oppose the resolution, or ask that it go to a committee.

Mr. TRAMMELL. Yes, Mr. President; I have something to say in behalf of the resolution.

Mr. CURTIS. I would rather hear the Senator's side of it first.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. TRAMMELL. I thought perhaps the Senator from Kansas was going to proceed, and I would hear him first.

Mr. President, during the past 10 days or 2 weeks the press has been full of information as to advances in the price of gasoline throughout the entire United States. The advances in some localities have amounted to a gross of 4 cents per gallon, and in some other localities to as much as 6 cents per gallon. In the District of Columbia it is my understanding that the advance has amounted to 5 cents per gallon. In my home State, gathering my information from the press, the advance within the last two weeks has amounted to 6 cents per gallon.

There is nothing new or startling on the part of the oil companies of the country making arbitrary and unwarranted advances in the price of gasoline.

This is an old practice of those who are engaged in the oil industry. We witnessed a similar occurrence last year about this season. It seems, as a rule, that just about the time the consumption of gasoline is to be on the increase, which is in the spring of the year, the consumption reaching its height in the late spring months and during the summer months, the companies, not content with the exorbitant profits which they have been making, subject the American people to an increased toll ranging in price advance from 2 to 6 cents. Such advance means probably hundreds of millions of dollars to the operators.

Of course, those who are not connected with the companies, and do not have access to the records of these concerns, can not give in detail the state of the finances of the various operators throughout the country; but in retrospection, Mr. Presi-

dent, we can gather some idea as to the justifiableness of the present conduct of this industry in making these advances, and pyramiding prices.

A committee of this body was directed a few years ago to investigate the oil situation and advances that had been previously made, this committee making its report to the Senate in 1923. That report contained some very startling information as to the exorbitant profits which had been made by the oil companies and refineries throughout this country for the past decade. I am going to bring to the attention of the Senate and the country some of the data contained in that report.

We find in this report, which was made on March 3, 1923, data relative to a number of the leading oil companies and refineries. I will first note some information relative to the Atlantic Refining Co.

We find that the Atlantic Refining Co. during the year 1920 paid two semiannual cash dividends, one of 20 per cent and one of 7 per cent, making total dividends for the year 1920 of 27 per cent.

In 1921 we find two semiannual dividends, one of 20 per cent and one of 7 per cent, making total cash dividends for the year of 27 per cent.

In 1922 we find that a similar cash dividend of 27 per cent was paid by this company.

But, Mr. President, that does not tell the story in full. We find that in 1922 this company declared stock dividends of 900 per cent, or \$45,000,000, in addition to the cash dividends of 27 per cent for 1920, 1921, and 1922; and, as is well known throughout the country, there is no particular economy practiced by the management of this company in regard to salaries or otherwise. We find that the president of the company drew a salary of \$66,666 in 1922; we find that the general manager drew a salary of \$30,000; and there were a great many other salaries of \$20,000 and \$15,000.

Passing from the record in regard to the Atlantic Refining Co. to the Gulf Oil Corporation, the Gulf Oil Corporation seems to have had rather a uniform policy of declaring only a dividend in cash of 6 per cent; but we find that in 1922 this company declared a stock dividend of 200 per cent, amounting to \$72,479,600, which, added to the cash dividend, gave this company enormous earnings, and earnings which to the average man seem to be exorbitant and staggering. The officers and directors of this company also enjoyed very large and extravagant salaries. I have not the compensation of the directors, but I find that practically all of the officers drew \$40,000 a year salaries, \$36,000 a year salaries, and so on.

Passing to the Ohio Oil Co., we find that the Ohio Oil Co. from 1912 to 1922, covering a period of 10 years, in no single year paid a cash dividend of less than 20 per cent, and this minimum dividend applied only to one year. In 1913 the cash dividend was 57 per cent; in 1914, 29 per cent; in 1916, 50 per cent; in 1917, 92 per cent; in 1918, 96 per cent; in 1919, 88 per cent; in 1920, 80 per cent; in 1921, 43 per cent; and in 1922, 40 per cent. In addition to these cash dividends we find that in 1922 the company declared a stock dividend of 300 per cent, amounting to a total of \$45,000,000.

Mr. WADSWORTH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Florida yield to the Senator from New York?

Mr. TRAMMELL. Certainly.

Mr. WADSWORTH. Has the Senator any information on that company or any of the other companies with respect to what has happened since 1922?

Mr. TRAMMELL. Mr. President, I have no definite information with regard to what might have happened since 1922, but in a general way I know that the companies are still prospering; they are still making very large earnings out of the American people; and this late advance in price is but a repetition of their former practice in exacting a toll from the American people that they may continue to pile up their large cash dividends and their unreasonable stock dividends.

Mr. WADSWORTH. One purpose of my asking the question of the Senator was to find out if my recollection is correct in that respect. As I recollect, the report from which the Senator is reading, or the report of the Senate committee which investigated this matter a couple of years ago, stated it to be the opinion of the committee, or at least of its chairman, the Senator from Wisconsin [Mr. LA FOLLETTE], that the price of gasoline was going to a dollar a gallon, whereas ever since then it has been in the neighborhood of 20 or 15 cents.

Mr. TRAMMELL. The Senator from Wisconsin made that prediction upon the practice and the disposition of the companies, I judge; not upon the condition of the industry.

Mr. WADSWORTH. There must have been some miscalculation somewhere.

Mr. TRAMMELL. Not upon the condition of the industry, but upon what the Senator conceived to be the trend of events among the operators, to exact the pound of flesh from the American people at every turn of the road.

Mr. WADSWORTH. And it has not happened?

Mr. TRAMMELL. No; it has not happened; but they are raising the price now, abnormally so, and the condition of the industry does not justify the advances which have been made.

Mr. WADSWORTH. I would like to ask the Senator another question. Is it not a fact that in 1923 there was a tremendous increase in the production of crude oil, notably from the California fields, and that all over the country the price not only of crude oil, but of gasoline, dropped as a result to such an extent that many oil companies could not pay dividends?

Mr. TRAMMELL. Of course; they all have such experiences to contend with, more or less. In any large commercial industry some of the smaller concerns can not survive, and in the oil industry it is not only a question of production but it is a question of the monopolistic crushing out of small companies, so that the bigger companies may continue their cruel disregard for those who purchase their products.

Mr. WADSWORTH. The Senator in that statement is assuming a great deal.

Mr. TRAMMELL. I am just talking from common knowledge.

Mr. WADSWORTH. Is it not a matter of common knowledge that many of the largest companies were severely strained in the general nation-wide reduction in the price of gasoline and oil?

Mr. TRAMMELL. I do not think so. I think the American people were severely taxed to make up for any possibility of the oil companies not being able to declare dividends of 25, 50, or 100 per cent. The American people always have to bear the burden of contributing big earnings to the oil industry. If anything seems to indicate that the big companies possibly may not make these exorbitant profits, it is just a question of an increase in the prices, and the American people have to pay the bill, just as in the present instance.

Mr. BROOKHART. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. TRAMMELL. In just one moment. As to the question of the prosperity of the industry, I just read an article in the Wall Street Journal of yesterday which stated:

The quarterly dividend of 25 cents by Continental Oil was generally expected, two shares of Mutual, paying 12½ cents quarterly, having been exchanged for one of Continental. Continental Oil earned more than double dividend requirements last year, and it is because of this that larger disbursements to shareholders are looked for before the close of 1925.

That is one company which seems to be rather prosperous, paying a quarterly dividend of 25 per cent. This information appeared in the Wall Street Journal of Monday.

I yield now to the Senator from Iowa.

Mr. BROOKHART. Mr. President, in reference to that statement about a dollar a gallon in the report of the Committee on Manufactures, as I recollect, the import of it was that the large oil companies had such a monopoly over the business that they could raise the price to a dollar a gallon if they wanted to. Notwithstanding the overproduction right now, they are raising the price again at this time, and I think they would raise it to a dollar a gallon now if they thought it was safe.

Mr. WADSWORTH. May I ask the Senator from Iowa a question?

The PRESIDING OFFICER. Does the Senator from Florida yield further to the Senator from New York?

Mr. TRAMMELL. I yield.

Mr. WADSWORTH. I am somewhat puzzled about this powerful monopoly. If there is a monopoly which is all powerful to do anything it wants to do with the price of oil and gasoline, why did that monopoly permit the price of gasoline to fall from 27 or 28 cents a gallon down to 12 or 13 cents?

Mr. BROOKHART. It occurs to me that they did it in order to break up the smaller companies and establish the monopoly more firmly.

Mr. HARRELD. Did I understand the Senator to say that production was now exceeding the consumption?

Mr. BROOKHART. I judge so from the latest reports I have seen.

Mr. HARRELD. The figures show that on December 1 there were 359,658,000 barrels of crude oil in stock, and on January 1 there were only 352,896,000 barrels on hand, showing a decrease of 7,000,000 barrels in one month.

Mr. BROOKHART. That would be a very small depletion with a stock of 359,000,000 barrels.

Mr. WADSWORTH. In one month?

Mr. BROOKHART. In one month. It would be only one of those little up-and-down changes. It might change the next month. That would not be an indication of the general trend of the oil production at all. Of course, an incident like that might be picked out to prove anything in the world.

Mr. TRAMMELL. Mr. President, the demand fluctuates, up and down. Sometimes the production is greater and sometimes less, just as the demand is. There is no material lessening of production, and there are some new processes being utilized for the refining of gasoline which will far overcome any decrease in production. I believe one of the methods being used now, which has been referred to, is the "cracking" process. Not being technically familiar with the industry I do not know exactly what that means, but I read an article only a day or two ago on this subject which stated that this process, which is being utilized by a number of the refiners, makes it possible for them to produce about 26 per cent of gasoline from the crude oil, whereas under the old processes they could produce only 13 to 15 per cent. So that would far more than take care of any slight diminution of production, if there is any.

I desire further to read from the committee report relative to the incomes of the oil and refining companies.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Jersey?

Mr. TRAMMELL. Certainly.

Mr. EDGE. As I follow the Senator, he seems to feel that an investigation would disclose that the so-called big fellows, the larger combinations, had raised their prices without warrant. I am sure he understands that so far as prices to the public are concerned the oil business is one which is to a great extent affected by the price of the crude product. In other words, such an investigation would necessarily go into the prices being received by the thousands of small operators and so-called wild cat drillers of wells in Texas, in Oklahoma, in Louisiana, and in many other States of the Union, who are producers of crude.

As I recall, the price of crude oil was gradually reduced a few years ago to a price that would not permit these hundreds and thousands of well diggers even to profitably continue in business. Naturally, if the refiners, the larger corporations engaged in the refining of the oil, pay more for their crude, as they have recently been required to do, the public will pay more for the refined products—the gasoline, the kerosene, or any other product produced from crude oil. In other words, the price of gasoline will always be regulated by the price of crude.

There is a great deal of talk about the "big fellows." I am one of those who think that a business is not necessarily dishonest because it is big. I have heard it generally asserted—and I think correctly—that there are more independent producers and refiners in the oil business than in any other of the large industries of this country.

Mr. TRAMMELL. Mr. President, I do not think that because business is big business it is necessarily dishonest. A great many of the biggest institutions of the country show due consideration for the public, from whom they obtain their earnings and their dividends. I appreciate those who are thrifty and who at the same time do business on the square and are content with reasonable prices, but I believe that the record and the story of the oil industry of this country is certainly enough to impress the average person, at least, with the fact that they have not been quite fair with the American public in the fixing of prices and in the impositions of the burdens which they have imposed upon the people. Of course, the price of petroleum has its bearing upon the price of gasoline, and necessarily so, but the organizations dealing in gasoline and petroleum and crude oil are very largely interwoven, and very largely operated by the same capital and the same people.

I shall read from the report as to the earnings of the Prairie Oil & Gas Co. Beginning in 1916 the cash dividends of this company were from 18 to 32 per cent annually, the lowest being 18, and the highest being 32 per cent, annual cash dividends. In addition to an annual cash dividend of 23 per cent in 1922, this company issued stock dividends of 200 per cent, amounting to a total of \$36,000,000. Some idea

of what that means, and the percentage this company was making covering that period of seven or eight years, can be gotten if to the cash dividends, running from a minimum of 18 per cent up to a maximum of 32 per cent, are added the stock dividends of 200 per cent.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Nebraska?

Mr. TRAMMELL. In just a moment; I want to finish this schedule. We find that the manager of this company was receiving a salary of \$50,000 per annum. The assistant manager was receiving a salary of \$30,000 per annum. Others were receiving \$20,000 per annum. Now, I yield to the Senator.

Mr. NORRIS. I was moved to interrupt the Senator at that point because of the question asked by the Senator from New York, as to whether the Senator from Florida had any information about dividends paid by these companies since 1922. I want to call the Senator's attention to the fact that if, after a company had issued a stock dividend of 200 per cent, having an original capital that was more than doubled, was quadrupled, in fact, they paid a dividend of only 6 per cent, it would mean in reality a dividend of 24 per cent.

Mr. TRAMMELL. Certainly.

Mr. NORRIS. So that information of dividends coming after always ought to be considered in connection with the fact that they had, prior to the declaring of the dividends, issued an enormous stock dividend upon which dividends are computed.

Mr. TRAMMELL. That is very true, and I will say to the Senator that I have not given the statistics as to stock dividends prior to 1922. Many of these companies declared stock dividends prior to 1922, running into the millions and millions of dollars, so the stock dividends have been pyramided covering a period, as a rule, throughout the life of the particular corporation. I have been reading of some of the independent companies. Now, I will give some information relative to the operations of the Standard Oil Co.

I notice that there has been an enormous advance in the price of gasoline in California. The Standard Oil Co. of California in 1920 declared a cash dividend of 14 per cent, in 1921 a cash dividend of 15.5 per cent, and in 1922 a cash dividend of 16 per cent. In addition to the cash dividend we find that in 1922 the company declared a stock dividend of 100 per cent amounting to \$102,000,000. The salaries paid by this company were as follows: President, \$75,000 a year, vice president \$65,000 a year, two other vice presidents \$60,000 a year each, another one at \$40,000, a director at \$30,000, another director at \$25,000, and the salaries grade on down \$20,000, \$18,000, and so on.

The Standard Oil Co. of Indiana in 1917 declared a cash dividend of 24 per cent, in 1918 a cash dividend of 24 per cent, in 1919 a cash dividend of 24 per cent, in 1920 a cash dividend of 28 per cent, in 1921 a cash dividend of 16 per cent, and in 1922 a cash dividend of 16 per cent. In 1920 the company declared a stock dividend of 150 per cent, amounting to \$45,000,000.

Following on the heels of that stock dividend, two years later, in 1922, the same company declared a stock dividend of 100 per cent, amounting to \$110,090,819. With cash dividends and stock dividends, though I have not made the calculation, the percentage of earnings of that company, I dare say, ran to 100 per cent per annum or more during a period of 10 years. I find that the president of this company is paid a salary of \$100,000 a year, the chairman of the board of directors \$100,000, a vice president and director \$40,000, and on down the list we find fancy salaries paid to all the officials of the company.

The Standard Oil Co. of New Jersey in 1919 declared a cash dividend of 27 per cent, in 1920 a cash dividend of 27 per cent, in 1921 a cash dividend of 27 per cent, and in 1922 a cash dividend of 27 per cent. In 1922 the company issued stock dividends at two different periods amounting to 400 per cent, a total of \$398,869,700. It does not look as though a company that was making such earnings and that had such accumulations as that would be bordering upon bankruptcy and poverty. We find that the officers of the company received the following salaries: Chairman of the board of directors, \$125,000 a year; president, \$125,000; vice president, \$100,000; two more vice presidents at \$100,000 each; one of the directors, \$85,000; five other directors \$50,000 a year, and so on.

Now we come to the Standard Oil Co. of New York. Let us see what kind of toll the people of New York are having to contribute to the Standard Oil Co. and other companies. The Senator from New York seems inclined to want to defend the operations of the oil companies.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New York?

Mr. TRAMMELL. I yield.

Mr. COPELAND. Did the Senator from Florida refer to the Senator from New York defending the Standard Oil Co.?

Mr. TRAMMELL. I referred to the senior Senator from New York [Mr. WADSWORTH].

Mr. COPELAND. I accept the Senator's apology.

Mr. TRAMMELL. I am in hopes the junior Senator from New York is not guilty.

The Standard Oil Co. of New York in 1918 declared a cash dividend of 12 per cent, in 1919 a cash dividend of 16 per cent, in 1920 a cash dividend of 16 per cent, in 1921 a cash dividend of 16 per cent, and in 1922 a cash dividend of 16 per cent. In addition to the cash dividend, which represented pretty fair earnings, it declared stock dividends. I dare say that a very large majority of the people engaged in commercial and agricultural enterprises in the State of New York did not make 8 per cent, taking business as a whole. Yet this company was making from 12 to 16 per cent in cash dividend, and in addition to the cash dividend we find that in 1922 a stock dividend of 200 per cent was declared, amounting to \$150,000,000, paid by the Standard Oil Co. of New York.

The officers of this company received salaries as follows: President, \$100,000 a year; one vice president, \$60,000, and another vice president, \$50,000; other officers received \$47,500, \$40,000, \$27,000, and so on down the line.

Now, let us see what toll the people of Ohio have been required to contribute to oil companies and refineries. In 1920 the Standard Oil Co. of Ohio declared dividends in cash amounting to 23 per cent, in 1921 cash dividends of 23 per cent, and in 1922 cash dividends amounting to 23 per cent. In addition to these cash dividends the company issued stock dividends in 1922 of 100 per cent, amounting to \$7,000,000.

Mr. President, I know that it would weary the Senate, and there is no necessity or reason why I should attempt to give all the statistics embraced within the report regarding the earnings and the profits of the oil companies and refineries throughout the country. This is the latest information in detail that is available, and there is nothing to indicate any sudden collapse of the oil industry that would cause me to believe that they are not prosperous and still making fabulous earnings, just as they have done through the years of the past.

Mr. HARRELD. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Oklahoma?

Mr. TRAMMELL. I yield.

Mr. HARRELD. I would like to ask the Senator if he has seen the report of the Cosden Refining Co.?

Mr. TRAMMELL. I do not recall.

Mr. HARRELD. I will say that at the time this report was made it was one of the largest and most thriving refining companies of the United States. Since that time it has been on the verge of bankruptcy. That shows how valuable the figures are which the Senator has been giving.

Mr. TRAMMELL. That constantly happens in every industry and to every enterprise throughout the country. They do not, of course, all have smooth sailing. Different enterprises have their reverses. But here we are having to deal with the industry as an entirety. Does the Senator on account of the probable failure of the one company to which he makes reference defend these fabulous and exorbitant prices, and does he defend the increase of 6 cents per gallon being made throughout the Nation by the industry at the present time?

Mr. HARRELD. I simply point out that the Senator is relying on figures of several years ago to show that these companies were making excessive profits, but since that time there has been a decided change in that respect.

Mr. TRAMMELL. And the Senator from Oklahoma is relying on his figures to try to defend the industry for pyramiding its prices and profits.

Mr. HARRELD. I simply say that since those figures were found a different condition has existed in the oil industry which has made it almost impossible for those various companies to exist at all.

Mr. TRAMMELL. In the Senator's own time, as I see he is going to come to the rescue and defense of these companies and try to justify the exorbitant profits they have been making running into the hundreds of per cent, I would like to have him explain how he justifies it.

Mr. HARRELD. That is not my purpose at all. I say that the oil industry has gone through a depression since that in-

vestigation which makes it all quite different and makes those figures of no practical value.

Mr. TRAMMELL. Two or three years ago Senators stood on the floor of the Senate and pleaded pitifully for the terribly abused oil companies and refining companies. They said we ought not to investigate their business or go into the question of their profits or anything of that character.

Certain Senators are here defending these companies, but I have not heard one of them utter a word of protest against the exorbitant profits which they have made in the past. I have not heard one of them utter a protest or a word of condemnation against the companies for exacting from the American people profits that seem almost beyond the ability of the human mind to grasp. Yet these Senators seek to defend them. Those who desire to take that course may do so, but as for myself I believe that the American people are entitled to some representation, that they are entitled to fair treatment even at the hands of the oil monopolies of the country. Whether they technically under the law are monopolies or trusts, in practice the oil industry is absolutely monopolistic.

Mr. President, I know of no way through which the American people may have a subject of this character investigated and thoroughly gone into, except by an investigation instituted by Congress. Of course, some one may say that such an investigation may not do any good, but that statement might be made in reference to any investigation which may be instituted. If there has ever been an industry which should be inquired into and whose methods should be investigated it is the oil industry of the country. The searchlight should be turned on.

Mr. HARRELD. Mr. President—

The PRESIDING OFFICER (Mr. Moses in the chair). Does the Senator from Florida yield to the Senator from Oklahoma?

Mr. TRAMMELL. I gladly yield.

Mr. HARRELD. At that point I should like to ask the Senator from Florida if he does not know it to be a fact that there have been 13 investigations of the oil industry in the past eight years, and four of them, I think, are now in progress?

Mr. TRAMMELL. But those investigations are getting no results. I desire an investigation to be instituted which will bring about results and bring about a report. Some people seem afraid of the big oil interest, but I do not propose to go under the table and bow in submission and tell the oil industry that we are poor, helpless babes when we come to deal with a great financial industry such as theirs. They have been imposing upon the American people. This can not be successfully contradicted. Of course, the man who feels otherwise has a perfect right to his view, but I do not believe in surrendering to them. I believe that where any industry gets to a point where the American people have to surrender to it and allow it to run pell-mell roughshod over them, as the oil industry is doing to-day, then Congress has very largely lost its usefulness if it does not come to the rescue.

Mr. CURTIS rose.

Mr. TRAMMELL. Does the Senator from Kansas wish me to yield to him?

Mr. CURTIS. I want the floor when the Senator gets through; that is all.

Mr. TRAMMELL. I have proposed this investigation and have offered the resolution for that purpose, hoping that it would be adopted. I know of no instrumentality through which we may carry on the investigation more thoroughly than through the Federal Trade Commission. I know that other resolutions some time ago were passed instructing the Federal Trade Commission to make such investigations, but up to the present we have received no reports on the subjects investigated.

I know also that something will be said in reference to the subject being referred to the Attorney General. It has been referred to the Attorney General, but nothing has been done by the Attorney General, and we have no intimation that anything will be done—none whatever. So, rather than be delayed and brushed aside on all kinds of excuses, I think that we should adopt a resolution covering the scope presented in the resolution which I have offered. I care nothing about the phraseology or the verbiage of the resolution, but I am after accomplishing a purpose. I have offered the resolution hoping for its adoption. Vigorous, persistent, and courageous action is essential if the American people are ever to break the shackles of the oil monopoly.

Mr. CURTIS obtained the floor.

Mr. JONES of Washington. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Washington?

Mr. CURTIS. I yield for that purpose.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Fernald	Lenroot	Shipstead
Ball	Fess	McKinley	Shortridge
Bayard	Fletcher	McNary	Simmons
Bingham	Frazier	Mayfield	Smith
Borah	George	Means	Smoot
Brookhart	Glass	Metcalf	Spencer
Broussard	Gooding	Moses	Stanfield
Bruce	Hale	Neely	Sterling
Bursum	Harreld	Norbeck	Swanson
Butler	Harris	Norris	Trammell
Cameron	Harrison	Oddie	Underwood
Capper	Heflin	Overman	Wadsworth
Caraway	Howell	Pepper	Walsh, Mass.
Copeland	Johnson, Calif.	Phipps	Walsh, Mont.
Couzens	Johnson, Minn.	Pittman	Warren
Curtis	Jones, N. Mex.	Ralston	Watson
Dale	Jones, Wash.	Ransdell	Weller
Dial	Kendrick	Reed, Mo.	Wheeler
Dill	Keyes	Reed, Pa.	Willis
Edge	King	Robinson	
Edwards	Ladd	Sheppard	

Mr. HARRISON. I desire to announce that the senior Senator from Rhode Island [Mr. GERRY] is detained from the Senate on account of illness.

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present.

Mr. CURTIS. Mr. President, I have no desire at this time to discuss the merits of the resolution submitted by the Senator from Florida. I believe that the Department of Justice and the Congress should be fully advised in relation to all the questions of this character. However, I wish to state the facts, because I think under the circumstances the resolution should go to one of the standing committees of the Senate to determine whether or not a further investigation is deemed necessary.

In 1923, as has been stated by the Senator from Florida, there was a very thorough and exhaustive investigation made and much valuable data were gathered. That investigation cost the Senate contingent fund some \$23,000. The report of that investigation was taken under advisement by the Department of Justice, and since that time that department has been investigating the cases referred to, and in running down all the facts cited in the report of the investigation. Furthermore, last year the Federal Trade Commission made an investigation. Their report was turned over to the Department of Justice, and that department, as a result of its investigations—and that department after considering the report of the Senate committee and the report of the Federal Trade Commission brought an action. I am sorry that the Senator from Florida said nothing had been done, for the department has commenced proceedings against the Standard Oil Co. of New Jersey, the Standard Oil Co. of Indiana, and the Gulf Oil & Refining Co., charging that there was a monopoly, and charging that they had an understanding and an agreement concerning the use of the cracking process, to which the Senator from Florida referred. That case was recently filed and is now pending in the courts. I am advised by the Department of Justice that they now have men looking up the cases referred to by the Federal Trade Commission in its report, with a view to bringing further action against the various companies if the facts warrant.

In view of these circumstances, I think the resolution should go to the Committee on Interstate Commerce, to enable that committee to investigate and call before it officials of the Department of Justice and members of the Federal Trade Commission to enable it to ascertain what has been done and to determine whether or not a further investigation is necessary.

I was told only yesterday that the Department of Justice had agents now out in different sections of the country further investigating the subject. The Federal Trade Commission made a report last June, as I was advised this morning by the Federal Trade Commission. If the Department of Justice is running down that report, why is it necessary to have another investigation at this time?

I intend to move to refer the resolution to the Committee on Interstate Commerce, so that they may determine whether in their opinion another investigation is necessary at this time. I now make that motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas.

Mr. TRAMMELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Florida?

Mr. CURTIS. I yield.

Mr. TRAMMELL. Will the Senator yield for a question in regard to this prosecution instituted by the Attorney General? Does that prosecution charge the company with monopoly and violation of the antitrust law?

Mr. CURTIS. It charges them with monopoly, and also charges them—

Mr. TRAMMELL. Does not that prosecution arise out of the question of patent rights and not out of the question of the operation of the trade? My understanding was that there had been some suits instituted, based upon the question of the use of this patented process, the cracking process; but if that is true, if the suit is restricted to that, it does not reach at all the greater problem involved in this controversy.

Mr. CURTIS. A suit in equity was filed against these companies and their licensees, charging that agreements were entered into in violation of the antitrust act; and the department advised me that they are investigating all the questions raised in the report of 1923 and those contained in the Federal Trade Commission's report of 1924 with a view of bringing prosecutions in every case where the facts warrant it. I was so advised yesterday by the attorney in charge of the prosecutions.

Mr. TRAMMELL. Mr. President, my understanding is that this suit involves questions of combination relative to the use of patent rights, but that it does not involve at all the question of any practice with regard to price fixing, or anything of that character.

Mr. CURTIS. That could be ascertained by the committee, if that is so.

Mr. TRAMMELL. That question is not involved in the litigation to which reference has been made.

Mr. President, I hope the Senate will not see fit to refer this resolution to the committee. It is a plain open-and-shut proposition providing for an investigation. The question of referring it to a committee involves merely the matter of sending it to the committee.

Mr. FLETCHER. Mr. President, I should like to ask the Senator from Kansas, Why refer the resolution to the Committee on Interstate and Foreign Commerce? If it goes to any committee at all—and I am not saying that I would favor that—why should it not go to the committee that handled the subject in 1923?

Mr. CURTIS. I had thought of that; but the chairman of that committee is sick, and one of the members of that committee is the chairman of the committee on Interstate Commerce, the Senator from South Carolina [Mr. SMITH]; and I selected that committee because I believed it would look into the matter and make a fair report.

The PRESIDING OFFICER. The question is on agreeing to the resolution offered by the Senator from Florida.

Mr. TRAMMELL. On that question, I call for the yeas and nays.

Mr. BRUCE. Mr. President, I merely desire to say that I heartily second the motion made by the Senator from Kansas [Mr. CURTIS]. I confess that I, for one, am beginning to be just a little restive in relation to these proposed investigations which have been coming along with increasing frequency, it seems to me, in the closing stages of the present session.

I do not know an easier way to acquire the reputation of being a tribune of the people than to offer a resolution of this sort. In my judgment, in every sense it is the cheapest way I know to acquire that reputation. On the other hand, but for the popular disrepute into which these suggested investigations have fallen, and which render them more or less innocuous, they would serve practically no purpose except that of harassing the great business interests of the country.

So far as I am concerned, I propose to lay down for myself a law of almost unvarying uniformity in cases of this kind, and to adhere to it except where some conditions of a distinctly special and extraordinary nature are brought to my attention; that is to say, I shall insist that every proposition of this nature shall be referred to a committee, and be deliberately and duly weighed by that committee, and that before any sort of serious heed shall be given to it by this body, testimony—substantial, material testimony—shall be presented to that committee making out a prima facie case justifying the investigation.

Therefore I trust that the motion of the Senator from Kansas [Mr. CURTIS] will prevail. I have no doubt that the operations of the Standard Oil Co. in the past have been attended by abuses to no small degree. Oil is a thing that very readily becomes rancid. More than once in the history of Congress it has become rancid. That company, however, is one of the great business corporations of this country. Certainly, as a rule, its transactions are legitimate transactions. It is entitled

to the protection of the law and the proper consideration of Congress. I think, therefore, that when grave charges affecting its management and conduct are made, the matter is of sufficient importance to be referred to a committee and to be made the subject of definite material, if such is available, testimony tending to establish the fact that there are real abuses to be redressed.

Mr. HARRELD. Mr. President, I have not any brief for the refining interests. I am with them when they are right, and against them when they are wrong; but I do want to speak in opposition to this resolution of investigation from the standpoint of the independent producer of crude oil.

I will read a telegram which I received yesterday from the National Association of Independent Oil Producers, having a membership in every oil-producing State. It is the organization of independent crude petroleum producers of the United States. It reads thus:

TULSA, OKLA., February 15, 1925.

Senator J. W. HARRELD,
Washington, D. C.:

The National Association of Independent Oil Producers, with a membership in every State in the Union which produces oil, wishes to indorse your position in opposing resolution by Senator TRAMMELL of Florida proposing investigations of the increase in price of gasoline for two reasons, the first one being that the increases are justified by the law of supply and demand. For three years the small independent producer has been compelled to operate at prices below cost of production, which has bankrupted many of them and brought the balance of them perilously near destruction. Present rises in the price of crude are necessary to his existence, and refined prices must be raised accordingly.

The second reason why this resolution should not be adopted is that the Senate Committee on Manufactures only recently completed an investigation of the subject, which was followed by an investigation of the industry by the Federal Trade Commission and by the Department of Justice, which investigations are still under way. Various investigations have become burdensome to the industry, taking up much time and expense and duplication of effort.

We appeal to every Member of the Senate for a square deal, and make a special appeal to those Senators from oil-producing States to give you their hearty support.

NATIONAL ASSOCIATION OF INDEPENDENT OIL PRODUCERS,
By W. H. GRAY, President.

The headquarters of this association are located at Tulsa, Okla.

It will be observed that Mr. Gray calls attention to the fact that this increase in the price of gasoline is necessary to the welfare of the producer of crude oil. Last October an analysis of the price of gasoline in five cities by the department showed that gasoline was then selling in those five cities for only 89½ per cent of the average price of gasoline in 1913. There is not a single commodity of the more than 500 commodities that the people of the United States have and use and enjoy that is not selling from 20 to 200 per cent above the average price charged for that commodity in 1913 except gasoline. In October the department reports that it was selling for 10½ per cent less than the average price for 1913.

The increase that has been made in the price of gasoline in the last month or two is absolutely necessary to the welfare of the producers of crude petroleum. The figures which the Senator from Florida has read may be true, and they do show that some companies are paying excessive dividends. That report, however, is over a year old. Since that time conditions in the oil industry have changed. Those figures and statements do not hold good at all at this time. The prices of gasoline have increased recently because there is a gradual fall-off in the production of oil for one reason. As I showed here a while ago, in the month of December there was a fall-off in the production of crude petroleum of over 7,000,000 barrels. That in itself would justify an increase in the price of gasoline, and I say that I do not believe the recent increase in the price of gasoline is the result of anything other than the direct operation of the law of supply and demand. I believe the figures will warrant me in making that assertion; and, if that is the case, what is the use of any investigation?

Mr. SMITH and Mr. BROOKHART addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield; and if so, to whom?

Mr. HARRELD. I yield to the Senator from South Carolina.

Mr. SMITH. Mr. President, has the Senator any figures to show to what extent the wells now in existence are running at capacity? In the investigation we had, which was the basis of the report to which the Senator from Kansas [Mr. CURTIS] has referred, it was developed that the output, even after the well has been brought in, is capable of being controlled. They

can reduce the flow and control the supply even when the oil is brought into sight and made available. I wonder if the Senator has any figures to show what would be the supply of crude oil if the wells now in existence were running at full capacity?

Mr. HARRELD. I do not know who gave such testimony before that committee; but as a practical producer of five or six years' experience, I want to say to you that I have never known a man to cut in or curb or control the output of a well except because of lack of storage facilities. In the first place, he can not do it, because it destroys the well. You may shut in a well to-day for 30 days, but it will not flow a bit at the end of 30 days; so there is not anything to that testimony. I do not know who gave it. Production is always at the full capacity of the well, and I do not believe a single instance can be shown where what the Senator refers to has been done except as above stated.

Mr. SMITH. Of course, I have had no practical experience in the production of crude oil; but I think if the Senator will take the pains to read the testimony taken before our committee he will find that that question was asked more than once, and was answered in the affirmative more than once—that they could reduce the flow of a well and in a manner control the flow of a well.

Mr. HARRELD. Of course, they can do that; yes, but practical experience has shown that it destroys the capacity of the well. It is done in instances where they have not storage capacity prepared to receive it. They go on the idea that it is the lesser of the two evils; but where there is storage capacity, or where there are pipe-line facilities for receiving the oil, I do not know of a single instance where a well has been curbed for the purpose of reducing the output.

Mr. SMITH. That is practically admitting the testimony that was given before our committee. I think the technical term that was used was "pinching" the well, so as to reduce the flow. A layman would naturally infer that if the oil were needed, there would not be "pinching." Of course, the capacity for storage is an important incident, but the great question would be necessity for controlling the output, controlling the supply. I think that if the members of the committee would take the pains to inform themselves as to the testimony given by those engaged in the business, they would find that not only the refining process is in the hands of the vendors, the owners, but that the supply of crude oil is, as well.

Mr. HARRELD. I will say to the Senator that I have no figures as to that, specifically answering his question. I presume "pinching" is done in instances where there is no storage capacity, but the oil industry as a whole tries to procure the storage capacity, and only stops the flow of the wells when it is impossible to get such storage capacity.

Mr. FLETCHER. Mr. President, may I inquire of the Senator whether he means to say that the only way of increasing the supply of crude petroleum is the sinking of more wells?

Mr. HARRELD. Except as I modified my answer to the question of the Senator from South Carolina. It may be that it could be increased. Of course, vacuum pumps could be put in. By the use of vacuum pumps the flow of the wells could be increased, but in most States their use has been outlawed, because they give to the man who uses them an undue proportion of the oil in the field, and it is taken away from those who are not able to use the vacuum pumps. Therefore their use has been outlawed. There are methods by which the production could be speeded up, in some such way as that. But I do not think that is being resorted to, to any great extent. I do not think that affects the output materially. I do not believe the fact that wells have been "pinched" has very materially affected the output of crude either.

Mr. BROOKHART. Mr. President, the Senator says that the increase in the price of gasoline is necessary for the benefit of the oil producer. What has been the increase to the producer?

Mr. HARRELD. There has been a steady increase in the price of the crude during the same interval during which the increase complained of in the price of gasoline has been going on. I do not know the prevailing prices, but I should say that prices of some grades of oil have been raised from \$1.10 to \$2.35 a barrel.

Mr. BROOKHART. And the price of gasoline has been raised how much?

Mr. HARRELD. Two and three cents, as I understand it.

Mr. BROOKHART. That would be \$1.50 a barrel.

Mr. HARRELD. There are many elements that enter into that. Some oil produces only from 8 to 10 gallons per barrel. Other oils produce more than 30 gallons per barrel.

Mr. BROOKHART. Other products are produced, however, that is of value.

Mr. HARRELD. Yes. Of course that is a complicated question.

Mr. BROOKHART. Most of this increase will not go to the producer; it will go to the profiteers, will it not?

Mr. HARRELD. It has in a measure reduced the embarrassments that were confronting the production end. There is no question that for more than a year the producing end of the industry has been in close straits. There have been many bankruptcies. Only the fellow who strikes a big flow of oil has been prospering. The man who is producing from a small well has not been prospering. The truth is that within the last 12 months a great many wells that were producing only a barrel or two a day have been abandoned, and that is directly due to the fact that the prices of crude have been so low that the owners could not afford to run the wells. Thousands of wells have been abandoned that would have kept going and would have been producing to-day if it had not been for the depression that existed in the production end of the business.

Mr. SMITH. Mr. President, may I suggest to the Senator that he is controverting his position and argument; that the scarcity of crude oil has resulted in a rise in the price of gasoline. Now he is arguing that the reduction in the price of gasoline caused a reduction in the price of the crude oil.

Mr. HARRELD. Mr. President, the point I am making is this: The fact that gasoline prices were so low last year, as I have said, 10½ per cent below the average for 1913, caused the abandonment of a great many of the small wells. That in turn may have produced the shortage now existing in the supply of crude. I do not know about that. There is, however, a shortage in the supply of crude at this time. What caused it is immaterial. I have given the figures to show that in the month of December there was a decrease in the amount of stored crude petroleum of over 7,000,000 barrels within one month. I do not know what caused that, whether it was caused by the closing down of the small wells, or what.

The price of crude and the price of gasoline are interdependent upon each other. When the price of crude increases, that naturally results in an increase in the price of gasoline, and an increase in the price of the crude naturally encourages and gives stimulation to the production of crude, and soon the supply increases and overcomes that condition and the production of crude becomes greater than the consumption again. Those conditions will follow each other.

Mr. President, another reason why I do not believe this investigation should be conducted is the fact that within the last 8 years there have been 13 different investigations of the oil industry, one phase of it or another. In that connection I want to file as a part of my remarks—but I will not take the time to read it—a list showing the various investigations of the oil industry that have taken place covering the period of the last eight years. There have been 12 Government investigations of the oil industry in that time, not including the investigation now being made by the Federal Trade Commission.

Such things as that affect an industry. Too much investigation has a bad effect upon any industry, and the oil industry generally feels that there have been so many investigations that they should be let alone a while, that the law of supply and demand ought to have a chance to operate once in a while in their behalf.

I have said that three of those investigations are still under way, and that is true. The Federal Trade Commission is still continuing its investigation, the Department of Justice is still continuing its investigation, and last December the President appointed a Federal Oil Conservation Board, consisting of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Commerce, to formulate a policy for conserving the national oil and gas resources, and the Attorney General tells me that it is his understanding that as a part of its work the board will make a detailed study of the oil industry in all of its branches. That investigation is pending, to be made by that board of Cabinet officials. What is the necessity for another investigation?

I want to call attention to what conditions the investigation by the Department of Justice disclosed. Bear in mind that investigation is still going on. The Attorney General tells me that the investigation has disclosed "that the Standard Oil Co. of Indiana, the Standard Oil Co. of New Jersey, the Texas Co., and the Gasoline Products Co. had interchanged licenses

based on patents for 'cracking' gasoline containing numerous conditions and covenants in restraint of trade and commerce in gasoline. A suit in equity was filed against these companies and their licensees charging that the agreements are violative of the antitrust act."

If that is true, that, in a measure, will remedy the very thing the Senator from Florida is complaining about. If these companies are making excessive profits, if they were paying excessive dividends, as the so-called La Follette committee found they were paying, maybe it was because they were using this patented cracking process. I remember being before that committee one day when it was brought out that by the use of this cracking process those who used it were enabled to get just twice as much gasoline out of the crude as those who did not use it. Perhaps the large dividends the Senator has been telling about were due to that fact. Even if they were, the Department of Justice is trying to correct that evil, and why start another investigation?

I want to call attention to the fact that recently the attorneys general of the various States met and had a conference regarding the gasoline situation, and each of them in his State is making the very same kind of an investigation that is sought here.

There is a general misconception on the part of the public concerning the oil business, and sometime or other I shall take occasion to make a speech in which I shall have some other things to say about these misconceptions which the public have of the oil business.

In the first place, the public has this misconception of the oil business—it still believes it is controlled by a monopoly. There was a time when the oil industry was controlled by a monopoly. There has been a great change in the handling and management of that industry in the last few years, until, I am convinced, it is no longer controlled by monopoly, notwithstanding the fact that my friend the Senator from Florida still asserts that it is. In every branch of the oil business there is the keenest kind of competition.

Another point on which the public has a misconception of the oil industry is this, that it believes that there are fabulous profits being made out of the business. That has not been proven by any investigation which has been conducted; that is, so far as the producers are concerned.

In the oil business occasionally a company makes a big sum of money, but in doing so it very frequently takes it away from some other company. If a balance were struck I doubt whether it would be found that excessive profits are made in the oil business, generally speaking, for it is more a matter of the transfer of wealth from one person to another. There is not so much profit in it as an industry. It is because the public sees only the man or the company which makes a new discovery and thus makes a "killing." The public has no knowledge, no information, about the thousand and one who lose every dollar they put into it.

I ask permission to have printed in the RECORD the list of investigations to which I referred earlier in my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the list was ordered to be printed in the RECORD, as follows:

1. There have been 12 Government investigations of the oil industry in the last eight years, not including the investigation now being conducted by the Federal Oil Conservation Board, viz:

(a) By the Federal Trade Commission:

"Pipe-line transportation of petroleum." (Report dated February 28, 1916, made in response to Senate resolution.)

"Price of gasoline in 1915." (Report dated April 11, 1917, submitted in response to Senate resolution.)

"Profiteering." (Report dated June 29, 1918, submitted in response to Senate resolution.)

"Advance in price of petroleum products." (Report dated June 1, 1920, submitted in response to House resolution.)

"Petroleum industry in Wyoming." (Report dated January 3, 1921, made under authority of section 6, Federal Trade Commission act.)

"Pacific coast petroleum industry." (Part 1, report dated April 7, 1921, submitted in response to Senate resolution.)

"Pacific coast petroleum industry." (Part 2, report dated November 28, 1921, submitted in response to Senate resolution.)

"Petroleum trade in Wyoming and Montana." (Report dated July 13, 1922, bringing to the attention of Congress "a situation developed in the usual course of administration.")

"Foreign ownership in the petroleum industry." (Report dated February 13, 1923, made in response to Senate resolution.)

"Investigation of 1924" (at the request of the President; not made public).

(b) By the Senate:

Conditions of the crude and gasoline markets during the years 1920, 1921, and the first six months of 1922. (So-called La Follette investigation; report in 1923.)

LEASING OF NAVAL RESERVES

(c) By the Attorney General.

RETIREMENT OF WORLD WAR OFFICERS

The PRESIDING OFFICER (Mr. MOSES in the chair). The hour of 2 o'clock having arrived, the resolution will go to the Calendar. The Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (S. 33) making eligible for retirement under certain conditions officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War.

YUMA IRRIGATION PROJECT, ARIZONA

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 172) to authorize the appropriation of certain amounts for the Yuma irrigation project, Arizona, and for other purposes, which was on page 3, line 3, after the word "right" to strike out the remainder of the paragraph and insert a period.

Mr. CAMERON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

LANDS IN SAN JUAN COUNTY, WASH.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3648) granting to the county authorities of San Juan County, State of Washington, certain described tracts of land on the abandoned military reservations on Lopez and Shaw Islands as a right of way for county roads, and for other purposes, which was, to amend the title so as to read:

An act granting to the county authorities of San Juan County, State of Washington, a right of way for county roads over certain described tracts of land on the abandoned military reservations on Lopez and Shaw Islands, and for other purposes.

Mr. JONES of Washington. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

TEMPORARY BUILDINGS USED BY THE RED CROSS

Mr. SPENCER. Mr. President, the House has sent over amendments to Senate Joint Resolution 95, which continues the time for the Red Cross to occupy the property immediately adjacent to the building which they occupy over on the Avenue. The amendments limit the time to December 31, 1926, and strike out the preamble. I move that the Senate concur in the amendments of the House.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 95) to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172, Washington, D. C., which were to strike out the preamble; and on page 2, line 9, to strike out all after "condition" down to and including "Congress" in line 10, and insert "not later than December 31, 1926."

The PRESIDING OFFICER. The Senator from Missouri moves to concur in the amendments of the House. The question is on agreeing to the motion of the Senator from Missouri. The motion was agreed to.

OFFICE OF PUBLIC BUILDINGS AND PUBLIC PARKS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1918) relative to officers in charge of public buildings and grounds in the District of Columbia, which were to strike out all after the enacting clause and insert:

That the Office of Public Buildings and Grounds under the Chief of Engineers, United States Army, and the office of Superintendent of the State, War, and Navy Department Buildings are hereby consolidated into a single office and shall hereafter be designated as the office of public buildings and public parks of the National Capital. The Superintendent of the State, War, and Navy Department Buildings and the officer in charge of public buildings and grounds shall hereafter be designated as the director of public buildings and public parks of the National Capital, and shall be assigned by the President from the officers of the Corps of Engineers for duty in this position as now provided by law for the officer in charge of public buildings and grounds and the Superintendent of the State, War, and Navy Department Buildings.

SEC. 2. The commission in charge of the State, War, and Navy Department Building, established by the act approved March 3, 1883, is hereby abolished and all powers and duties conferred and imposed by law upon such commission and the Superintendent of the State, War, and Navy Department Buildings shall hereafter be exercised and performed by such director, under the general direction of the President of the United States.

SEC. 3. The Office of Public Buildings and Grounds, under the direction and control of the Chief of Engineers of the United States Army, is hereby abolished, and all authority, powers, and duties conferred and imposed by law upon the Secretary of War or upon the Chief of Engineers of the United States Army in relation to the construction, maintenance, care, custody, policing, upkeep, or repair of public buildings, grounds, parks, monuments, or memorials in the District of Columbia, together with the authority, powers, and all duties and powers conferred and imposed by law upon the officer in charge of public buildings and grounds, shall be held, exercised, and performed by the director of public buildings and public parks of the National Capital, under the general direction of the President of the United States.

SEC. 4. The officers and employees in the offices hereby consolidated shall become officers and employees of the office of public buildings and public parks of the National Capital without reappointment, and all official records, papers, files, furniture, supplies, and other property in use in or in the possession of the offices so consolidated are hereby transferred to the office hereby created. The director is authorized to appoint, in accordance with existing law, such officers and employees, and to incur such expenses as may be necessary for the proper administration of his office within the limits of the appropriations from time to time granted therefor. There may be detailed to assist the director not to exceed two qualified officers of the United States Army not above the rank of major.

SEC. 5. All unexpended balances of appropriations made for either of the activities hereby consolidated shall be available for expenditure by the office hereby established to the same extent and under the same conditions as such appropriations are available for the offices hereby consolidated.

SEC. 6. Nothing contained in this act shall be held to modify existing law with respect to the assignment of space in the public buildings in the District of Columbia by the Public Buildings Commission or to modify sections 4 to 10, inclusive, of the act approved May 27, 1924, relating to the United States park police, except as provided in section 3 of this act.

Amend the title so as to read: "An act to consolidate the Office of Public Buildings and Grounds under the Chief of Engineers, United States Army, and the office of Superintendent of the State, War, and Navy Department buildings."

Mr. FERNALD. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ENLARGEMENT OF SITE OF BUREAU OF STANDARDS

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 4548) authorizing the Secretary of Commerce to acquire, by condemnation or otherwise, a certain tract of land in the District of Columbia for the enlargement of the present site of the Bureau of Standards, was read twice by its title.

Mr. SMOOT. Mr. President, there is an identical bill on the calendar, Calendar No. 1175, Senate bill 3391. I ask that the House bill be considered and passed, and I shall then move to indefinitely postpone the Senate bill.

Mr. ROBINSON. I understand that an identical bill has been reported by the Senate Committee on Public Buildings and Grounds and is now on the calendar?

Mr. SMOOT. Yes; word for word.

Mr. ROBINSON. It merely authorizes the acquisition of an additional tract for the use of the Bureau of Standards?

Mr. SMOOT. That is true. There is not a word of difference between the House bill and the Senate bill.

Mr. ROBINSON. I have no objection to the passage of the bill.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to acquire, by condemnation or otherwise, that certain parcel of land hereinafter more fully described, aggregating approximately 346,234 square feet, for the enlargement of the present site of the Bureau of Standards, at a price or cost not to exceed \$173,117, the said land being that lying to the east of the main site of the Bureau of Standards, in the city of Washington, D. C., including the land situated and lying between Tilden and Van Ness Streets, and extending along Connecticut Avenue, bounded and described approximately as follows:

Beginning at the southwest corner of Van Ness Street, 60 feet wide, and Connecticut Avenue, 130 feet wide, south 24 degrees 26 minutes east, 845.82 feet to the center line of Tilden Street, 120 feet wide, as proposed by District of Columbia highway plan; thence with the arc of a circle whose radius is 1,226.6 feet, a distance of 386.37 feet, deflecting to the left; thence with the arc of a circle whose radius is 1,900 feet, a distance of 217.19 feet, deflecting to the right, to the southeast corner of the land of the Bureau of Standards; thence with the east line of the Bureau of Standards' land north 4 minutes east, 890.77 feet to the south line of Van Ness Street, 60 feet wide; thence with the south line of Van Ness Street, south 89 degrees 56 minutes east, 238.06 feet to the point of beginning, containing approximately 346,234 square feet, or 7.9484 acres.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. SMOOT the bill (S. 3391) authorizing the Secretary of Commerce to acquire, by condemnation or otherwise, a certain tract of land in the District of Columbia for the enlargement of the present site of the Bureau of Standards, was indefinitely postponed.

CALL OF THE ROLL

Mr. HOWELL. Mr. President, I suggest the lack of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	Lenroot	Shortridge
Ball	Fess	McKinley	Simmons
Bayard	Fletcher	McLean	Smith
Bingham	Frazier	McNary	Smoot
Borah	George	Mayfield	Spencer
Brookhart	Glass	Means	Stanfield
Broussard	Gooding	Metcalf	Stanley
Bruce	Hale	Moses	Sterling
Bursum	Harrell	Neely	Swanson
Butler	Harris	Norris	Trammell
Cameron	Harrison	Oddie	Underwood
Capper	Heflin	Overman	Wadsworth
Caraway	Howell	Pepper	Walsh, Mass.
Copeland	Johnson, Calif.	Philpps	Walsh, Mont.
Couzens	Johnson, Minn.	Pittman	Warren
Curtis	Jones, N. Mex.	Ralston	Watson
Dale	Jones, Wash.	Ransdell	Weller
Dial	Kendrick	Reed, Pa.	Wheeler
Dill	Keyes	Robinson	Willis
Edge	King	Sheppard	
Edwards	Ladd	Shipstead	

Mr. HARRISON. I desire to announce that the senior Senator from Rhode Island [Mr. GEERY] is detained from the Senate owing to illness.

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present.

PURCHASE OF CAPE COD CANAL PROPERTY

Mr. FERNALD. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 3933) for the purchase of the Cape Cod Canal property, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maine?

Mr. PITTMAN. I object.

Mr. FERNALD. I move that the Senate proceed to the consideration of the bill.

Mr. FLETCHER. If the motion is agreed to, it displaces the unfinished business, I understand.

Mr. CURTIS. The motion, as I understand it, is debatable?

The PRESIDING OFFICER. It is.

Mr. CURTIS. There will probably be a good deal of debate upon the motion; so I hope the Senator will withdraw his motion and let us proceed to the consideration of the bill making appropriations for the District of Columbia. That bill has been ready for several days, and notice was given yesterday that it would be called up to-day. I hope the Senator from Maine will let us proceed with the District appropriation bill.

Mr. FERNALD. Just as soon as I am able to get a vote on my motion, if it is agreed to, I shall be very glad to give way for the consideration of the appropriation bill. The Cape Cod Canal bill has been on the calendar for some time, and I have been trying to bring it before the Senate. It seems only fair to me that we should now have a vote as to whether we are to consider it or not. I will then very gladly yield for the consideration of the District appropriation bill.

Mr. BORAH. Mr. President, what would be the effect of this motion, if agreed to, upon the unfinished business before the Senate?

The PRESIDING OFFICER. The unfinished business would be displaced, but the unfinished business, as the Chair understands it, is governed chiefly by the unanimous-consent agreement which was entered into yesterday to the effect that the

unfinished business is to be voted upon and finally disposed of on Friday next.

Mr. WARREN. Mr. President, under the circumstances I will be compelled to make the senior motion, and that is to take up the District of Columbia appropriation bill, which, under our rules, is a privileged motion.

The PRESIDING OFFICER. That is a privileged motion if the Senator from Wyoming makes it.

Mr. WARREN. I do make it.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from Wyoming.

Mr. BURSUM. What will be the effect of that motion on the unfinished business?

The PRESIDING OFFICER. It will be exactly the same as if the motion of the Senator from Maine had prevailed.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Carolina will state the inquiry.

Mr. SMITH. If the Senate were to vote to take up the District appropriation bill, would that affect the status of the unfinished business under the unanimous-consent agreement effective on Friday, February 20?

The PRESIDING OFFICER. The Chair's understanding is that the adoption of the motion proposed by the Senator from Wyoming will be to displace the unfinished business and it can not be replaced as the unfinished business except by further action of the Senate. But the unfinished business having a status under the unanimous-consent agreement for disposition on Friday, February 20, that position can not be interfered with.

Mr. SMITH. Therefore, on Friday it would come up and be disposed of under the unanimous-consent agreement?

The PRESIDING OFFICER. That is the understanding of the Chair. The question is upon agreeing to the motion of the Senator from Wyoming that the Senate proceed to the consideration of the District appropriation bill.

Mr. WARREN. In making the motion I did what I am entitled to do, but I am entirely willing to consent to an agreement to take up the appropriation bill and later let the Senator from Maine [Mr. FERNALD] take up his matter. If his motion were made and agreed to now, it would, of course, displace the appropriation bill entirely.

Mr. FERNALD. As I stated, I shall be very glad to withdraw my measure or have it laid aside temporarily at any time for the consideration of any appropriation bill that is entitled to the right of way, but I would like to have a vote on my motion.

Mr. WARREN. The motion throws everything out of gear entirely, as the Chair has stated. When an appropriation bill has the right of way, a motion to take up another bill would supersede. I can not consent now to the Senator from Maine proceeding with his bill. If we can get an agreement with reference to taking up the appropriation bill, that will be all right; otherwise I shall have to insist upon my motion to take up the appropriation bill. I insist upon my motion now.

The PRESIDING OFFICER. The question is upon agreeing to the motion of the Senator from Wyoming that the Senate proceed to the consideration of the District of Columbia appropriation bill.

Mr. NORRIS. Mr. President, I do not know that I have any preference between the two motions, but I wish the Chair or the Senator from Wyoming would call attention to the particular rule involved.

The PRESIDING OFFICER. Rule IX.

Mr. WATSON. Mr. President, what kind of an arrangement is the Senator from Wyoming willing to make?

Mr. WARREN. I am willing to make any arrangement that does not interfere with the consideration of the District appropriation bill.

Mr. WATSON. The Senator said unless some kind of an arrangement was made he could not consent to the consideration of the bill of the Senator from Maine.

Mr. PITTMAN. Mr. President, I call for the regular order. There is a motion before the Senate.

The PRESIDING OFFICER. The regular order is the privileged motion made by the Senator from Wyoming.

Mr. WALSH of Massachusetts. Mr. President, in view of the situation that has arisen, I ask unanimous consent that immediately following the disposition of Senate bill 23, the so-called Bursum bill, the Cape Cod Canal bill be made the unfinished business.

Mr. PITTMAN. I object.

Mr. WARREN. I will have to object to that request, and I will say to the Senator that I would find it necessary to have

an exception made with reference to an appropriation bill which I expect will immediately follow the District appropriation bill; that is, the legislative appropriation bill.

DISTRICT OF COLUMBIA APPROPRIATIONS

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming to proceed to the consideration of House bill 12033, the District of Columbia appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. PHIPPS. Mr. President, I ask unanimous consent to dispense with the formal reading of the bill, that the bill be read for amendment, and that the committee amendments be first considered.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent to dispense with the formal reading of the bill, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and it is so ordered. The Secretary will state the first amendment of the Committee on Appropriations.

The first amendment of the Committee on Appropriations was, on page 2, at the beginning of line 3, to strike out "\$9,000,000" and insert "\$11,000,000," so as to read:

That in order to defray the expenses of the District of Columbia for the fiscal year ending June 30, 1926, any revenue (not including the proportionate share of the United States in any revenue arising as the result of the expenditure of appropriations made for the fiscal year 1924 and prior fiscal years) now required by law to be credited to the District of Columbia and the United States in the same proportion that each contributed to the activity or source from whence such revenue was derived shall be credited wholly to the District of Columbia, and in addition, \$11,000,000 is appropriated, out of any money in the Treasury not otherwise appropriated, and all the remainder out of the combined revenues of the District of Columbia and such advances from the Federal Treasury as are authorized in the District of Columbia appropriation act for the fiscal year 1923, namely:

The amendment was agreed to.

The next amendment was, under the subhead "Office of Superintendent of Weights, Measures, and Markets," on page 5, line 24, after the word "markets" to strike out "\$8,000" and insert "including salary of engineer for refrigerating plant at not exceeding \$1,200 per annum, \$9,000," so as to read:

For maintenance and repairs to markets, including salary of engineer for refrigerating plant at not exceeding \$1,200 per annum, \$9,000.

Mr. NORRIS. Mr. President, I desire to avail myself of the privilege of debating the particular amendment which has been stated to call the attention of the Senate, and particularly the Senator from Wyoming [Mr. WARREN], of the Chair, and of other Senators to what has just occurred, not because I have any particular interest in the matter more than has any other Senator nor because I object to the taking up of the appropriation bill. I think we have adopted the right course in that respect, but I have doubt as to the correctness of the procedure. It being after 2 o'clock and the morning hour being over—I desire Senators shall remember that all the way through—the Senator from Maine [Mr. FERNALD] made his motion to take up a bill on the calendar. While that motion was pending, the Senator from Wyoming [Mr. WARREN] made a motion to take up another bill on the calendar, and because the bill he moved to take up was an appropriation bill it was held that it took precedence and was a privileged motion.

Mr. WARREN. Mr. President, will the Senator from Nebraska permit me to interrupt him?

Mr. NORRIS. Yes.

Mr. WARREN. The Senator from Maine [Mr. FERNALD] was on his feet, but the Senator from Colorado [Mr. PHIPPS] was also on his feet, and at 2 o'clock was entitled to make the motion. That has been done time and time again in the Senate. There is no doubt about that.

Mr. NORRIS. Of course the Senator from Wyoming is very positive; undoubtedly the Senate will follow him, and ordinarily I should do so; but I have seen the Senator positive before when it has subsequently turned out that he was mistaken.

Mr. WARREN. I am simply stating what has heretofore happened.

Mr. NORRIS. I understand that.

Mr. WARREN. And the practice has been as I have stated.

Mr. NORRIS. I am simply contending that I am right; I do not care so far as the particular question is concerned; I would not turn my hand over for it; but we are establishing a precedent, and all I am solicitous about is to have it apply to all alike. I shall endeavor to make my position clear.

The Senator from Wyoming said there is no doubt about it and there may be no doubt about it; I may be entirely wrong about it.

Mr. LENROOT. The Senator from Nebraska is right about it.

Mr. NORRIS. I think I am, but when Senators have been here so long that "the memory of man runneth not to the contrary," and get up here and say, "This is all over with; this is the case; it has always been the case; it is right and nobody must dispute it," of course, modest as I am, I am always afraid to dispute it, and I have to approach the subject with apology, and all that.

Now, I wish to read the rule which has been invoked for the defense of the ruling. Remember these things: The morning hour was over; 2 o'clock had passed, and the Senator from Maine made a motion to take up a certain bill on the calendar. That motion was pending and had been stated from the Presiding Officer's desk. Now comes the Senator from Wyoming, and he said, "I move to take up another bill, which is an appropriation bill." Because that was an appropriation bill, it is claimed, and the Chair has ruled, that it had precedence. Rule IX is cited in support of that position. Here is what Rule IX provides:

Immediately after the consideration of cases not objected to upon the calendar is completed, and not later than 2 o'clock—

Remember that—

If there shall be no special orders for that time, the calendar of general orders shall be taken up and proceeded with in its order, beginning with the first subject on the calendar next after the last subject disposed of in proceeding with the calendar; and in such case—

Now, remember—

and in such case—

First, it is before 2 o'clock; it is when we are calling the calendar; when we are on the calendar of special orders. None of those conditions existed when the proceeding to which I am referring took place—

and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which if carried shall have the effect to leave such subject without prejudice in its place on the calendar.

Fourth. A motion to place such subject at the foot of the calendar. Each of the foregoing motions shall be decided without debate and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.

That is all of Rule IX.

Now, bear in mind, Mr. President, that rule presupposes several things: That it is in the morning hour, to begin with—and we were not in the morning hour—that it is before 2 o'clock, when, under the rule, the calendar is being called; or, as the rule provides:

Immediately after the consideration of cases not objected to on the calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the calendar of general orders shall be taken up.

Now, when we take up the calendar of general orders that is the time when such motions as those in this instance are in order.

The Senator from Ohio [Mr. Fess] calls my attention to a decision in Gilfry's Precedents found on page 196:

Fifty-seventh Congress, 1st session.

The eight hour bill was before the Senate,

The Presiding Officer (Mr. PASCO) decided that after 2 o'clock—

Remember after 2 o'clock—

a motion to take up an appropriation bill did not take precedence over a motion to take up any other bill on the calendar.

That, it seems to me, is the correct ruling.

I was almost afraid I lacked the courage to make the objection because of the decisiveness with which the Chair and the Senator from Wyoming held—and cut everything off—that the motion was in order. I could not understand how it could be in order. I asked for the authority for it, and was referred to Rule IX. I have read Rule IX, but it does not make the motion in order at all. Of course the motion has been agreed to now, so far as that is concerned, and I have no objection to it. If the Senator from Maine does not want to stand on his rights, it is perfectly satisfactory to me to take up the appropriation bill; but I do not want the ruling to stand in the face of the Senate without having the record made, and when it is made it can be decided in any way desired, as is often done.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The question is on the amendment reported by the committee.

Mr. KING. Mr. President, the Senate has had under consideration for some time a bill regulating motor-vehicle traffic within the District of Columbia. Owing to the opposition to many of its features, it has made slow progress toward the goal of approval. This measure has attracted a great deal of attention and there has been some criticism because the Senate did not promptly pass the measure. In my opinion the bill is defective and has provisions which are objectionable. Moreover, in some particulars, it duplicates existing laws of Congress and covers some of the ground which has been traversed by regulations adopted by the Commissioners of the District and now in force.

I am afraid the public are laboring under a misapprehension as to the question of traffic regulation. The impression has been given, not only by speeches in the Senate but by the press, that the District is absolutely without law or regulation relating to the use of motor vehicles within the District. And certainly the view obtains in many quarters that the commissioners and the police department of the city are powerless to arrest those who operate vehicles within the District in an improper, negligent, or dangerous manner.

The fact is, Mr. President, that there are a number of congressional enactments dealing with the subject of motor vehicles within the District, under which provisions many of the evils complained of could be dealt with in an effective manner if the commissioners and the police department would enforce the law. There are courts properly organized and fully competent to deal with offenses growing out of violation of traffic regulations. On January 26, 1887, Congress passed a comprehensive statute giving plenary power to the District Commissioners to deal with the entire question of vehicular traffic, as well as to ordain such police regulations as they deem necessary for the welfare of the District.

Among the provisions of the act of Congress just referred to are the following:

The District Commissioners are empowered to make needful regulations for the orderly disposition of carriages or other vehicles assembled on streets or public places and to require vehicles upon such streets and avenues as they deem necessary to pass along on the right side thereof.

Then there are provisions as to hack charges and respecting the owners of vehicles.

Another provision gives the commissioners power—

To regulate the movements of vehicles on the public streets and avenues for the preservation of order and protection of life and limb * * *.

Eleventh. To prescribe reasonable penalties for the violation of any of the regulations in this act mentioned, and said penalties may be enforced in any court of the District of Columbia having jurisdiction of minor offenses, and in the same manner that such minor offenses are now by law prosecuted and punished.

Under this authority it is clear the commissioners have broad powers in dealing with the traffic problem. They may pass such ordinances and regulations as they see proper—of course they must be reasonable—in relation to the use of the streets of the District. They have the unquestioned power to license those who drive vehicles of every kind and character and prescribe the manner in which the streets may be used, and provide every proper and necessary regulation to protect the lives, limbs, and property of the public.

Mr. President, I regret that the press of the District as well as some public officials and perhaps many private persons have disseminated the view that the commissioners were powerless to deal with the traffic situation and that there was no way to punish individuals who were using the streets in a manner to cause collisions and to endanger life and property. As I have stated, the District Commissioners, possessing full power,

have ordained a very comprehensive code of ordinances and regulations which, if enforced, would prevent the collisions, accidents, and complaints which are so frequent and give no occasion for the agitation which now exists for action by Congress.

Mr. President, one of the characteristics of the American people is to demand legislation whenever an evil, real or fancied, is found to exist. And public opinion is often whipped into a perfect frenzy and public officials often driven from safe and proper grounds when no reason exists therefor. It is not infrequent after hasty legislation has been enacted, because of the hysterical demands of active and organized minorities, to find that it is wholly unnecessary because adequate measures already exist, or it is so impertinent and so confusing as to be unenforceable. Oftentimes negligence and incompetent officials shield their inefficiency behind the plea that they have no authority, but if given authority they will quickly cure the evils complained of. There is no more frequent alibi by public officials than the one just referred to. The result is that the statutes of the Government and of the States of the Union are filled with duplication, and the ordinances of many of our cities and municipalities are duplicated. It is not infrequent to have laws and regulations passed to meet a supposed contingency that are far less intelligent and rational and effective than those already existing. I submit, with all due deference to the views of others, that a study of the statutes of Congress and the regulations adopted by the Commissioners of the District, in so far as they relate to traffic conditions within the District, would have prevented the introduction into the Senate of the bill which has been under discussion for several nights and which came from the District Committee with its approval.

In 1892 Congress by statute gave the Commissioners of the District full power—

to make and enforce all such reasonable and usual police regulations in addition to those already made under the act of January 26, 1887, as they may deem necessary for the protection of lives, limbs, health, comfort, and quiet of all persons and the protection of all property within the District of Columbia.

Mr. President, I sincerely hope that the newspapers of this city will call attention to the fact that Congress has given to the District Commissioners the fullest authority to deal with this question. Nothing could be broader than the language contained in the law I have just read:

The Commissioners of the District of Columbia are hereby authorized and empowered to make and enforce all such reasonable and usual police regulations, in addition to those already made under the act of January 26, 1887, as they may deem necessary for the protection of lives, limbs, health, comfort, and quiet of all persons and the protection of all property within the District of Columbia.

Mr. President, with this vast amount of propaganda about the violation of law by the operators of motor vehicles, about the injury to life and limb upon the streets—and there has been, undoubtedly, reckless driving for which those who are guilty should be punished—the commissioners have not deemed it necessary to supplement the laws of Congress dealing with the traffic question, and the regulations which they passed or adopted some time ago. If the residents of the District need, of it they feel that they need, additional regulations and additional laws and ordinances, all that is required is to bring to the attention of the District Commissioners their views, and I am sure that if reasonable they will be regarded and appropriate measures ordained. The plenary power of the commissioners will enable them to deal with this subject and other subjects relating to the protection and the welfare of the people within the District of Columbia.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. COPELAND. Because of the conviction the Senator has, and which seems to be well founded, as regards the laws, may I ask whether he disapproves of passing any further traffic regulation at this time?

Mr. KING. Mr. President, I do not approve of some of the provisions of the bill before us. The commissioners have full authority to meet the situation, to deal comprehensively with the traffic question, and they know more about this subject than we do. They know the evils which exist and how best to deal with them. They are dealing with District matters and know to what extent traffic regulations are needed. The three commissioners, with the corporation counsel of the District, who are familiar with the needs of the city, and the head of the police department, who is familiar with traffic conditions, could sit down and draw an ordinance which I think would be

far better than any statute which Congress and Senators might prepare. The two nights of discussion of the subject show the difficulty of dealing with the question, when so many Senators have local views and do not know the conditions here as well as do the commissioners and the officers to whom I have just referred. Another reason why I am not in favor of the bill in its present form is that the commissioners, pursuant to the authority conferred upon them by Congress, have ordained regulations which are very complete and provide punishments for the acts and omissions which have been so fiercely denounced by Senators and which seem to have been the cause of the bill offered by the Senator from Delaware [Mr. BALL]. I have examined them with some little care, and, in my judgment, taking them as a whole, they are infinitely better than the bill before us. I think that some of the penalties should be increased and perhaps some supplemental regulations or ordinances might with propriety be passed, and perhaps an assistant to the superintendent of police should be provided, and 50 or 75 additional policemen. But, broadly speaking—and I submit this with due deference to my good friend from New York, whose interest in the District and in its welfare commends him to the confidence and esteem not only of Congress but of the people of the District—in my judgment, the regulations referred to and the laws of Congress now in force, if supplemented by a few regulations which I am sure the District Commissioners would promptly enact if their attention were called to the matter, would be better than the legislation which has been projected.

Mr. COPELAND. Mr. President—

Mr. KING. I yield.

Mr. COPELAND. I am very much obliged to the Senator from Utah for his kind words. The committee had in mind avoiding, so far as possible, the writing of detailed regulations into the bill. Really, the essential features of the bill are, first, the power of the commissioners to appoint a director—of course they have not that power now, as I am sure the Senator from Utah will concede—and then, in the next place, it is proposed that additional policemen shall be appointed.

Mr. KING. If the Senator will wait a few moments, I stated that perhaps some legislation would be needed. I have stated that Congress perhaps should provide a traffic director, who would be an assistant of the superintendent of police, and increase the number of policemen. I think it is far better to concentrate the enforcement of the ordinances of the city or of the laws of Congress applicable to the District under one head than to have a divided responsibility. Therefore I was in favor of the amendment which was offered last night for the creation of an assistant to the superintendent of police, with the title of traffic commissioner.

Mr. President, I am making a plea here for home rule. I believe in the extension of home rule. About 18 months ago, in the District Committee, I offered a motion that the commissioners recommend to Congress legislation conferring upon them additional powers to deal with all matters which ought to be committed to a municipal council, if I may be permitted that expression, in the District of Columbia. I felt that there were many matters that could with propriety be delegated to the commissioners to handle, and thus relieve Congress of the responsibility.

I believe that the commissioners could deal with many questions relating to the District far better than they could be handled by Congress. Unfortunately, the commissioners, as I am advised, after having studied the matter and having prepared a report, encountered opposition from various organizations within the city, and possibly some opposition from officials of the District; but I know that the District Committee of the Senate has no pride in this matter, and is anxious to delegate to the Commissioners of the District as ample and complete powers as possible to deal with most of the affairs of the District. If the present laws and regulations in regard to traffic are not broad enough, the remedy lies with the District Commissioners, because they have the power to pass any laws or ordinances they please touching this important question.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield; yes.

Mr. COPELAND. I should like to suggest to the Senator that it would simplify the work of the committee and of the Senate, too, if the Senator would formulate exactly what he has in mind. I can see that he has presented a strong argument that the commissioners now have the necessary power, and yet there are certain things which are lacking, and it is too bad to let the session adjourn without having taken some

action; and that is our difficulty, as I see it, in our last two night sessions. We have had criticisms to offer, and often very proper criticisms, but we do not make progress toward the formulation of a bill which may be presented in such form as to be passed by the Senate.

Mr. KING. I thank the Senator for inviting my view to this matter. As I listened to the debates, may I say to the Senator, the thought occurred to me that the bill before the Senate ought to be taken up immediately by the District Commissioners, the corporation counsel, the Superintendent of Police, and two or three Senators, members of the District Committee, including the Senator from Delaware [Mr. BALL], whose heart is set upon this measure, and who has been one of the best chairmen the District Committee has ever had, with a view to reporting a measure that would supplement existing law—and deal only with matters that are necessary. May I interpolate at this time, as the Senator from Delaware will soon leave this body, my appreciation of his splendid services here, and the great work which he has done in behalf of the District. I would suggest having the chairman and the Senator from New York [Mr. COPELAND] and one or two other Senators, members of the committee, go over this bill, taking into account the regulations which have been passed and which are comprised within the 37 printed pages which I hold in my hand, and taking into account the laws which Congress passed and then see what legislation, if any, is needed to effectuate the desire that all Senators have, and, if any legislation is necessary, agree upon a measure covering the matters called for. Congress would pass such a bill within a short time.

I make that suggestion without any desire to divert Senators from their purpose to continue the discussion of the bill before us, if they feel such course to be necessary.

I stated a moment ago that there are 37 pages of regulations. Let me briefly call attention to some of them. The first two subdivisions I will not call attention to, although they are important. They refer to parking, and so on. Subdivision (c) of the regulations provides:

Drivers shall comply at all times with any direction by voice, hand, or whistle made by any member of the Metropolitan police department as to parking, slowing down, stopping, backing, approaching, or departing from any place, the manner of taking up or setting down passengers, and loading or unloading.

Penalties are prescribed for violations of these provisions. Then it is provided:

(d) The driver of a vehicle shall be constantly on the lookout, and shall remain upon the seat while the vehicle is in motion; or, in the case of animal-drawn vehicles, shall continuously hold the reins in his hands while driving, riding, or leading a horse, and shall guard against its running away.

(e) No operator or driver shall carelessly or willfully cause or allow his vehicle, animal, street car, or bicycle to collide with any person, vehicle, animal, street car, or bicycle, nor to injure any person or property.

That is more comprehensive in its terms than some of the provisions of the bill which we have been considering here for two nights.

The question of accidents and the reporting of the accidents was one which provoked a great deal of controversy. Let me call attention to the comprehensive provisions of the regulations dealing with that:

(f) In case of any accident, such as collision with a person, vehicle, animal, bicycle, or street car, the operator or driver of any vehicle, bicycle, street car, or animal involved in such collision shall immediately stop and render such assistance within his power as may be reasonable or necessary. He shall also give his name and residence and, if the driver of a motor vehicle, the license number thereof and the name and address of the owner to the person struck or whose property has been struck or to a police officer, if present, and if neither of these can be done then he shall immediately report the accident and the full details thereof to the nearest police station. Any person violating any of the provisions of this paragraph shall be punished by a fine of not more than \$500.

This provision allows full latitude upon the part of the judge to differentiate between the willful violator of the law and the person who accidentally causes a collision. It gives ample authority to the judge to deal with the two classes of collisions, and it has the same requirements which some of the Senators insisted were necessary in order to protect life and property.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. COPELAND. Does the Senator think that under the present laws the commissioners have power to determine what fines or punishments shall be inflicted? Of course, the Senator is reading from the regulations, but is there foundation of law to justify the commissioners in promulgating the regulations imposing the punishments that have been recited?

Mr. KING. Undoubtedly; and they could go further. I think the commissioners have authority to pass ordinances imposing more severe penalties than those to which reference has been made. Section 2 of the act of 1892 provides:

That the Commissioners of the District are hereby authorized and empowered to make and enforce—

Of course, that would mean by penal provisions—

all such reasonable and usual police regulations—

In addition to those that were prescribed in the other law to which I have called attention—

as they may deem necessary for the protection of lives, limbs, health, comfort, and quiet of all persons and the protection of all property within the District of Columbia.

Mr. COPELAND. Is the Senator quite confident that that law is in force, that it has not been superseded by any other?

Mr. KING. I can only say that I have caused an examination to be made of the laws in force giving this authority to the commissioners, and I am advised by those who have made the search for me that these statutes are still in force.

Mr. COPELAND. I thank the Senator.

Mr. KING. Mr. President, I am not complaining about any effort made to punish those who injure persons or property upon the streets of the city. I am trying to impress upon Senators that we have now an excellent code of regulations, with penal provisions, which, if supplemented, perhaps, by one or two other provisions, would be adequate, and would measure up to the standard of any proper exaction or desire upon the part of any Senator.

I am further trying to impress upon the Senate the fact that Congress has given to the District Commissioners full and complete power to deal with this entire subject, power to impose such penalties as they may see proper, and I have argued, and I think it is sound, that these commissioners can deal with the situation better than Congress can. Who would think that the Legislature of Massachusetts, meeting in the capital city of that State, could deal with the question of automobile traffic in the city of Boston as well as the Common Council of the City of Boston could? So as to the great city of Chicago. Can the legislature which convenes at Springfield, the majority of the members of which come from various parts of the State of Illinois, deal with the traffic regulations of Chicago as well as can the members of the City Council of the City of Chicago? Obviously, not.

Mr. President, the question of home rule ought to be emphasized more and more, the right of local self-government, the power of the people to determine their own needs and to determine how they shall govern themselves. The school of democracy, if it shall serve its purpose, demands that the people themselves shall be taught how to govern themselves, and we can not teach them how to govern themselves if we transfer the power from them to some autocratic body, or to some legislative body remote from the people.

I want the people of the District to have greater power to govern themselves. I want the Commissioners of the District to have additional authority to deal with the multitude of questions involved in the protection of the lives and limbs, the health and welfare, of the people of the District.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Kentucky?

Mr. KING. I yield.

Mr. STANLEY. I am glad to know that the diligent and capable Senator from Utah has gone with characteristic thoroughness into this question, and I hope that he shares the opinion which I expressed on the floor of the Senate on yesterday, that a study of the rules and regulations now prescribed by the constituted authorities indicates that they have been prepared with care, and with a rather marked degree of practicability, which indicates to my mind that these regulations are the result of experience on the part of those regulating traffic in the District of Columbia.

I wish to call the Senator's attention to regulation (f), which I think he has read. It is to be found on page 4:

In case of any accident, such as collision with a person, vehicle, animal, bicycle, or street car—

Which covers every conveyance—

the operator or driver of any vehicle, bicycle, street car, or animal involved in such collision shall immediately stop and render such assistance within his power as may be reasonable or necessary. He shall also give his name and residence, and if the driver of a motor vehicle, the license number thereof.

I call the attention of the Senator from New York to this also. I am reading regulation (f). This existing regulation provides that in case of collision the driver of the vehicle shall immediately stop, and when he stops he must render "such assistance within his power as may be reasonable and necessary" to the person he struck.

He shall also give his name and residence, and if the driver of a motor vehicle, the license number thereof and the name and address of the owner, to the person struck or whose property has been struck, or to a police officer if present, and if neither of these can be done—

If there is no person in the car who is injured, if the owner can not be ascertained, if there is no police officer to notify, then—

he shall immediately report the accident and the full details thereof to the nearest police station.

Is there anything else a man could do under the circumstances?

Mr. COPELAND. Mr. President, will the Senator from Utah yield?

Mr. KING. I yield.

Mr. COPELAND. I confess that I am somewhat surprised to learn of the complete regulations which have been promulgated in times past. That calls the attention of the Senate to a thing which has been emphasized this afternoon by the Senator from Utah, that the largest possible measure of home rule should be given to the people of the District.

Mr. KING. Just as the people of New York want home rule.

Mr. COPELAND. Just the same, exactly.

Mr. KING. And the Republican Legislature in New York has too often tried to strip the people of New York City of the right of home rule.

Mr. COPELAND. Of course, if New York City had been a Republican city, it would long since have had home rule, but since New York is a Democratic city, in a Republican State, it has been deprived of the privileges of home rule. I want the Presiding Officer to appreciate the fact that it was the comment of the Senator from Utah that led me to say that. I should never have thought of it myself.

It is important that the people of the District should have the largest possible measure of home rule. I would go further in that matter than the Senator from Utah goes, because I would be willing to have the people of the District vote. I think they should have all the privileges of American citizens.

Mr. STANLEY. The point to which I am adverting—

Mr. KING. I do not want to be diverted from the question before us to-day.

Mr. STANLEY. The point to which I wished to call the attention of the Senator from New York—

The PRESIDING OFFICER. Is the Senator from New York referring to the pending amendment as the question before us?

Mr. KING. The question before us is a bill dealing with the District of Columbia, and the Senate has seemed to think that the regulation of traffic in the District of Columbia is now the most important question, and I am dealing with a very important question.

The PRESIDING OFFICER. The question is upon agreeing to the amendment at the bottom of page 5.

Mr. STANLEY. I do not care to consume further time of the Senator from Utah—

Mr. KING. I am perfectly willing to yield.

Mr. STANLEY. I wanted to call to the attention of the Senator from Utah and of the Senator from New York the fact that here is admittedly a regulation with which the people are familiar, which is much more complete than any regulation offered either by myself or anybody else, in so far as it requires active assistance to be rendered to a person injured and immediate notice. It is true that the fine imposed here is very small and is inadequate, but I call the Senator's attention to this fact, and I am through: This provision for a fine of a few dollars of course would not cause a person colliding with another car and demolishing it or running over a pedestrian and killing him to stop. It would require a much heavier penalty than that to accomplish that result.

As I see it, the purpose of those who are seeking the legislation, as I understand the Senator from New York, is to impose such pains and penalties upon reckless drivers who inflict

injury upon vehicles or upon persons that they will not leave the place of the accident without they are identified.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. KING. I yield.

Mr. COPELAND. That is exactly what we have in mind. The District Committee has not had in mind any attempt to fix the measure of damages, but to make clear to every driver in the District that if he strikes a person or another machine he must stop. The penalty is for running away, not for the accident.

Mr. STANLEY. These severe penalties are inflicted to prevent a man from running away?

Mr. COPELAND. Yes.

Mr. STANLEY. And it is the desire to prevent him from running away, as I understand the Senator from New York, in order that he may be immediately identified by the police or by the person injured as soon as the offense is committed. Is not that it?

Mr. COPELAND. That is it exactly.

Mr. STANLEY. Now, let us see. The bill is designed, as the Senator has said, to compel the person inflicting an injury upon a vehicle, or maiming or killing an individual, to stay where he is and furnish the constituted authority with the facts essential to his conviction. That is the purpose. If it were not for the Constitution of the United States, and if it were not for a certain amount of common sense on the part of drivers, the bill would work admirably.

If we put a fine of \$5,000 and imprisonment for 60 days upon any man who strikes a pedestrian and maims or kills him, and upon any man who strikes a car and demolishes it, then every individual who commits a slight injury upon a car or inflicts a slight injury upon an individual will be inclined to stop; but if a man is fleeing from an officer of the law, if he recklessly runs over an individual and leaves him dead on the street, if he is drunk and plows into a crowd and maims a half dozen people, he knows that the common law and the laws governing the District of Columbia will send him to the penitentiary or to the gallows. He has to choose between a peremptory 60-day jail sentence and the result of his criminal act. Which offense will he take?

It can not stop any man who has committed an offense punishable with more than 60 days in jail, because to stop after he has committed the offense is to turn himself over to the authorities. In other words, I would say to the Senator, the bill is designed to compel persons committing an offense to supply the venue of the crime to the constituted authorities, and that is so clearly in contravention both of the philosophy of the law and of the letter of the Constitution that I am amazed that an attempt is made at this late date to enact it into law. No man can commit an offense, I will say to the Senator from Utah, without being conscious of it. For that reason for more than a thousand years of our civilization—

Mr. KING. Except in cases of *malum prohibitum*. In cases of *malum in se* I agree with the Senator, because there are many such cases.

Mr. STANLEY. Oh, yes. He is not conscious of the character of the offense, but he is conscious of having done something. He must be conscious of the nature of the act before he is guilty of willful wrongdoing. That has occurred in every uncivilized country in the world. It occurred to every potentate in the church, to every officer of law; and for weary centuries we attempted to expedite matters by bringing the accused before us and making him walk on hot plowshares or twisting him a little in a rack to make him furnish the evidence that we could not otherwise get. The offense of standing mute is an old and ancient offense. Very foolishly, we will admit for the sake of argument, several hundred years ago men like Littleton and Pope and Blackstone concluded and learned judges of England thought it was a dismal mistake to force a man to incriminate himself, and it at last became incorporated into the unwritten constitution of England. It was incorporated in the Constitution of the United States and of every State in the United States, so that we can no longer force a man to incriminate himself. But, as the Senator from New York said, the sole purpose of the bill is to force a man to furnish the essential facts necessary to his conviction, which is admittedly the forcing of a thing contrary to the principle and the philosophy of the law.

Mr. KING. Mr. President, with much of what the Senator has said I am in entire accord. I am addressing myself more particularly now to the proposition that we have upon the ordinance book of the city of Washington a very comprehen-

sive system or code dealing with the transgressions concerning which there has been so much talk. I wish Senators would take the trouble to read this comprehensive code. I have called attention to a number of the provisions. On the same page from which I was reading a moment ago there is this comprehensive provision:

(g) No vehicle or street car shall be operated upon any of the public highways of the District of Columbia in such manner or condition as to endanger the life or limb of any person or the safety of property. Any person who shall violate any of the provisions of this paragraph shall, upon conviction thereof, be punished by fine of not more than \$300.

There are a multitude of other penalties provided. Under that provision any person who operated his motor car upon the streets in any way that endangered life or property would be guilty of an offense.

Mr. COPELAND. Mr. President—

Mr. KING. I yield to the Senator from New York.

Mr. COPELAND. I do not think I have observed that anywhere the Senator has called attention to a jail punishment. I suspect that the regulations which can be made by the commissioners relate only to fines. I do not think imprisonment is involved. Of course, unless we have something more than a fine, we are not going to stop these people from running away from the scene of an accident. I may be wrong about it, but that is the impression I had from what the Senator from Utah said.

Mr. KING. I think the Senator is in error. There is already an act of Congress which was passed on June 29, 1906, which provides for imprisonment in the workhouse for not less than 30 days nor more than 60 days for many of the offenses which are enumerated in the bill which is now under discussion. I have not the time to read it. Here is an act entitled "An act to regulate the speed of automobiles in the District of Columbia, and for other purposes," a comprehensive statute enacted by Congress in 1906 and providing for six months' imprisonment in the workhouse for violation of the act. In addition to that I find another act of Congress dealing with traffic conditions. So it seems we are duplicating laws already enacted by Congress as well as regulations enacted by the District commissioners.

Let me call the attention of the Senate to the act of Congress just mentioned. It is chapter 3615, an act to regulate the speed of automobiles in the District of Columbia, and for other purposes, passed June 29, 1906, and it provides:

That no person shall drive or propel, or cause to be driven or propelled, any automobile, horseless or motor vehicle, bicycle, or horse-drawn vehicle within the fire limits of the District of Columbia, as said fire limits are now defined or may hereafter be defined from time to time in and by the building regulations of said District, upon any street, avenue, alley, or public highway at a greater rate of speed than 12 miles an hour between intersecting streets and avenues.

I submit that it contains better regulations than are found in the bill which I am discussing. This bill does not zone the city. The act from which I am reading provides that in congested districts within the fire limits as they may be delimited the rate of speed at which motor vehicles may be operated must be less than in what might be denominated the suburban parts of the city. That is a wise regulation, far wiser than the regulation in the bill under consideration.

Nor at a greater rate of speed than 15 miles an hour through any of the parks within said District.

There is nothing in the bill I am considering which regulates the speed of motor vehicles within the parks; that is, one may operate within the parks as existing law prescribes. But the bill does not attempt to deal with that situation, but here is a well-drawn statute, comprehensive and fair, regulating the rate of speed within the fire limits and congested sections; within the parks and other parts of the city. The act then proceeds:

nor across streets at a greater speed than 8 miles an hour; nor at a greater rate of speed than 6 miles an hour around the corners of any street or avenue; nor at a greater rate of speed than 4 miles an hour on the east side of Fifteenth Street NW. between the south building line of G Street and the south curb line of New York Avenue; nor on the west side of Fifteenth Street NW. between the line which would be the south building line of G Street if extended to the west side of Fifteenth Street and from said extended line north to the north curb line of Pennsylvania Avenue; nor at the intersection of Ninth and F Streets NW. between the building lines of the said streets; nor at the intersection of Ninth and G Streets NW. between the building lines of said streets; nor at the intersection of Eleventh and F Streets NW. between the building lines of the said streets; nor at the intersection

of Eleventh and G Streets NW. between the building lines of the said streets; nor on any public roadway, street, avenue, or alley within said District outside of said fire limits at a greater rate of speed than 20 miles an hour.

Now, that is more severe as to the limitation of speed than is provided in the bill offered by the committee. Here we have it written by Congress in 1906, and yet the impression goes out that we have no laws in the District of Columbia or regulations dealing with the question of traffic upon the streets of the city. I submit that the statute I am reading from now is more comprehensive, more rational, and will bring better results than the bill under consideration.

And when meeting or passing any other vehicle the speed shall not exceed 12 miles an hour—

That is a very rational provision—

and any automobile shall be brought to a full stop whenever the driver of a horse-drawn vehicle shall signal by raising the hand, and said vehicles shall at all times be under the control of the driver or operator.

That is not in the bill which has been submitted by the committee, and it is one of the wisest provisions found in the most up-to-date ordinances and provisions dealing with motor vehicles, that at all times the vehicle must be under the control of the driver. That means that he may not operate at a high rate of speed in congested sections, because then it would not be under the control of the driver sufficiently to obviate accidents—

and the driver or operator and the owner or proprietor riding thereon or therein violating any of the provisions hereof shall, upon conviction for the first offense, be fined not less than \$5 nor more than \$50, and shall, upon conviction for the second offense within one year from the commission of the first offense, be fined not less than \$10 nor more than \$100, or imprisoned for not less than 5 days nor more than 30 days, at the discretion of the court; and shall, upon conviction for the third offense within one year from the commission of the first offense, and for any and all subsequent offenses, be fined not less than \$50 nor more than \$250, and be imprisoned in the workhouse for not less than 30 days nor more than 6 months.

Sec. 2. That prosecutions for violation of the provisions of this act shall be on information filed in the police court of the District of Columbia by the corporation counsel or any of his assistants.

Sec. 3. That this act shall not be held to take away the authority of the Commissioners of the District of Columbia to make police regulations not inconsistent herewith.

So, Mr. President, this statute and the other one to which I called attention, and the law conferring plenary power upon the District Commissioners, deals with this entire subject. In addition, we have the regulations from which I was reading a moment ago, which deal with the subject in a general as well as in a detailed way.

Now, I come back to the regulations to show the completeness with which this entire subject has been dealt with. There are found, on page 4, definitions which are very accurate and easily understood. Then comes a definition of the congested section of the city, and regulations are prescribed for the congested section somewhat different from those for the non-congested section—a very wise and sensible provision which is not found in the bill which has been reported by the committee.

Then there is a provision about the safety zone; another about center parking; then there are incorporated within the regulations various acts of Congress dealing with the subject. Then we come to the question of tags and operators' permits, and the regulations as to issuing them. In the same paragraph these words are found:

Any person desiring a permit to operate motor vehicles shall make application to the traffic bureau of the police department on the prescribed form: *Provided*, That no permit shall be issued to operate any of the above-mentioned vehicles to any person whose physical defects, such as blindness, deafness, or other disabilities, would make the operation of a motor vehicle by such person a menace to the public safety.

Then—

No person under 18 years of age shall be permitted to operate any such vehicle except a pleasure vehicle belonging to his or her parent or guardian, and permit in such case shall be issued only when the officer in charge of the traffic bureau of the Metropolitan police department is satisfied that he is qualified to operate such vehicle, and in all such cases the applicant shall be required to give a practical demonstration of his ability to operate motor vehicles.

That provision is broader, Mr. President, more comprehensive than the traffic bill before the Senate. Then there are provisions about permits which are wise and comprehensive. Then the regulations provide for the forfeiture, the taking away of permits. A fee is required; identification numbers

upon all motor vehicles is provided for. The provisions are broad and also explicit and detailed. Provision is made for the transfer of licenses and tags in the case of a bona fide sale or transaction between persons. Then there are requirements applicable to motor vehicles. That matter is dealt with in section 5, with a large number of subdivisions. It makes provision as to the smoke emitted from vehicles, and also regulations as to mufflers and brakes.

Indeed, Mr. President, I can not conceive of better and more detailed provisions than can be found in this code. There are regulations relative to signal devices and lights and the speed of motor vehicles. Provision for trucks is made, how they shall be dealt with, and the speed at crossings and in passing over bridges.

May I say to my friend from New York [Mr. COPELAND] that many of the punishments provided for in the acts of Congress are carried into this code, and imprisonment follows infractions of the law as to many of these offenses. Then may I say this general provision is found concerning punishment for violation of the provisions of the section:

Upon conviction for the first offense, a fine not less than \$5 nor more than \$50; upon conviction for the second offense within one year from the commission of the first offense, a fine not less than \$10 nor more than \$100 or imprisonment for not less than 5 days nor more than 30 days at the discretion of the court; and upon conviction of the third offense within one year from the commission of the first offense, and for any and all subsequent offenses, a fine not less than \$50 nor more than \$250 and imprisonment in the workhouse for not less than 30 days nor more than 6 months.

Mr. COPELAND rose.

Mr. KING. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, I simply want to comment to this extent: I assume from the evidence brought forward by the Senator from Utah that the traffic bill can be very much simplified and cover the appointment of a director—although the Senator has said he does not believe in, some others of us do—provision for the additional policemen, provision for arterial boulevards, and the other features. As I understand the matter, the Senator from Utah feels that there is now all the law that is necessary and even the regulations have been so amplified that nothing more is required?

Mr. KING. No; I do not say that, but I say that from a rather hasty reading of these regulations and some detailed examination of the laws of Congress I think we now have a better code than we would have if the bill which has been under consideration were passed.

Moreover, if that bill were passed, I think we should thereby repeal by implication a number of existing regulations and laws which are better than some of the provisions of the bill. In any event we would have confusion, because I am not clear under the bill which is before us, if it were passed, how many of the present regulations would be repealed. I think there would be "confusion worse confounded" in trying to determine what the law was.

Mr. President, my opinion is—and I repeat it—that the committee having this bill in charge should immediately confer with the District Commissioners, the corporation counsel, and the head of the police department, and take up all these regulations, as well as the laws of Congress dealing with these matters, go over them carefully; and if it shall be deemed that they are not sufficient to meet the situation, to then submit a bill covering the points not sufficiently provided for under existing laws or regulations.

I shall not take the time to examine other regulations which deal with almost every conceivable question connected with street traffic and the operation of motor vehicles within the District of Columbia. I congratulate the commissioners upon having so comprehensive a code as they have provided. It may need emendation, because, as we know, the traffic situation has been made more acute on account of the large number of motor vehicles brought into the District; but a little study of the question, in my opinion, and an examination of existing laws and regulations, will enable us in a very short time to enact any further legislation required.

Just a few words more, Mr. President, and I am through. I think that if the police of the District of Columbia, and perhaps the commissioners, were a little more alert we would not have this situation so acutely brought to our attention.

Only recently we increased the police force of the District and gave the members increased salaries. It was believed that the police force would be more efficient and that its esprit de corps would bring it to a higher standard. I have felt that the promises made by the department have not been carried out, and I have felt greatly disappointed with the work of the

police department. Many complaints have been made to me because of its alleged inefficiency and the incompetency of some members of the force. It is not infrequent to hear of charges being preferred against members of the police force, and I think there have been a number of cases come to light which show gross inefficiency and inexcusable negligence upon the part of some members of the force. I have sometimes felt that those in charge of the police department have not been as vigorous and efficient as the situation required. A police department must maintain a high state of discipline, and every member of the force must be vigilant and alert. In my opinion, neither the commissioners nor the police department can plead an alibi against the charges that violations of traffic regulations are not punished and that the regulations are not enforced.

Mr. President, we have sufficient regulations and laws which, if they were enforced, would prevent the accidents, collisions, and injuries which are becoming too numerous upon the streets of the District. I believe that the violations of the regulations and laws relating to traffic and motor vehicles are largely due to the inefficiency and indifference of the police department. There should be an awakening in that department and the superintendent of police should inaugurate reforms that will bring the police department to a higher state of efficiency.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The question is on agreeing to the amendment reported by the committee.

Mr. REED of Pennsylvania obtained the floor.

Mr. FESS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. REED of Pennsylvania. I yield.

Mr. FESS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Edge	King	Robinson
Ball	Edwards	Ladd	Sheppard
Bayard	Ernst	McKinley	Shipstead
Bingham	Fess	McLean	Shortridge
Borah	Fletcher	McNary	Simmons
Brookhart	Frazier	Mayfield	Smith
Broussard	George	Metcalf	Spencer
Bruce	Glass	Moses	Stanley
Bursum	Gooding	Neely	Sterling
Butler	Hale	Norbeck	Trammell
Cameron	Harrison	Norris	Underwood
Capper	Heflin	Oddie	Wadsworth
Caraway	Howell	Overman	Walsh, Mont.
Copeland	Johnson, Calif.	Pepper	Watson
Curtis	Johnson, Minn.	Phipps	Willis
Dale	Jones, Wash.	Ralston	
Dial	Kendrick	Ransdell	
Dill	Keyes	Reed, Pa.	

Mr. JONES of Washington. I desire to announce that the Senator from Oregon [Mr. McNARY], the Senator from Oklahoma [Mr. HARELD], the Senator from New Mexico [Mr. JONES], and the Senator from Arizona [Mr. ASHURST] are detained on official business.

Mr. HARRISON. I wish to announce that owing to illness the senior Senator from Rhode Island [Mr. GERRY] is detained from the Senate.

The PRESIDING OFFICER. Sixty-nine Senators have answered to their names. There is a quorum present.

OPERATION OF IMMIGRATION LAW OF 1924

Mr. REED of Pennsylvania. Mr. President, I want to make a brief statement about the workings of the immigration law which was passed by the Congress last June. My purpose in making it at this time is to correct, if I can, some of the misstatements that are in circulation regarding the working of that law and to forestall, if I can, some of the mistaken amendments to it that are now being agitated.

We have just received the statistics which show the operation of the law for its first six months. We know now how the new policy is working out in actual practice; and I want, just as briefly as I can, to explain to the Senate what is happening to the United States under its present immigration policy.

Senators will recall that the three main objects in the passage of the law were as follows:

First, to secure a more uniform distribution of the arriving immigrants through the year. You will remember that before this they were all bunched in about four months and one week at the beginning of each fiscal year, and that their arrival in large numbers at the beginning of each of the first five months of the fiscal year swamped Ellis Island and resulted in great distress to the immigrants themselves.

You will remember also that the second purpose in passing that law was to proportion our quotas more in accordance with the composition of the American Nation at this time, and not allow the racial composition of the Nation to be changed, as it rapidly was being changed, by extensive immigration from new sources.

We remember, lastly, that the third reason, and the most important of all, was the determination of the country and of Congress that the number of arrivals should be drastically reduced.

I want to report now on how those objects are being attained. First, then, the question of distributing arrivals more uniformly, and of arranging the law more humanely, so that the application of the quota would not result in heart-breaking scenes at Ellis Island.

Under the old law the quota of practically every country was exhausted by November 5 of each year. Under the old law it was a race between steamships to get to New York Harbor ahead of one another; and without any fault on the part of thousands of immigrants, but merely because their ship was the slower, they have been turned away at Ellis Island and sent back to their countries penniless, with no chance of getting into the United States.

Under the old law, in the last fiscal year—the one ending June 30 last—there were 10,114 rejections because of "excess quota," and most of them were at Ellis Island, and most of them were of people who could not afford to pay even their fare back to the homes from which they had come. We were determined to stop that. I am glad to be able to say, Mr. President, that in the first six months of the present fiscal year that number has dropped to 1,107, and most of those are alien seamen who were unqualified for admission to the United States, and the balance seems to have been largely due to mistakes on the part of our consuls which will not be repeated. But we have made a reduction already of 80 per cent in the number of the heart-breaking cases at Ellis Island which were shocking all of us who had given attention to that phase of immigration.

In July, when the law was new, the percentage of rejections for all causes was 8 per cent of those arriving at Ellis Island. The consuls have learned their work, the immigration law is functioning more smoothly, and at the present time that figure has dropped to about 2 per cent. I think we can say that we have reduced that type of distressing cases quite as much as Congress hoped to reduce it at the time it passed the law.

There were, in addition, during the last six months, 8,561 persons turned back from our land ports for want of proper immigration visas; but those were immigrants, mostly on the Canadian border, who had not undertaken any long journey to get to the United States, but had merely made casual application for admission without stopping to go through the necessary formalities.

The outstanding fact is, however, that the number of rejections for this reason at Ellis Island and at our other seaports has been reduced by the new law by more than 80 per cent; and it ought to be very encouraging to those of us who have the welfare of the immigrant at heart to note that that has been so.

In another way the law has worked great improvement—in providing that the immigrant, when his visé is granted abroad, knows that he is within the quota. The uncertainty that attended the old system has entirely disappeared, and now every man who is accepted on a steamship abroad, with the proper visé, knows that he will be within the quota when he gets here. In that respect the law has come up fully to our expectations.

The second object in enacting this law was a better distribution among the various nationalities, a distribution more in accordance with the composition of our own people who are already here. While it was self-evident from the new quotas that that would be the case, it is pleasant to see, by the testimony of those who are receiving the immigrants, that the improvement we hoped for is actually being attained.

In an article printed in the Saturday Evening Post on January 31, Commissioner Curran has given this testimony:

As an affirmative performance, the immigration act of 1924 has already done great good to our country, and it gives promise of doing more. The immigrants who come to us now are fewer and better. Arriving at the rate of a thousand a day—

And I will explain that number later—

their quality, at least thus far, is as much finer than that of the old immigrant as their quantity is smaller. At Ellis Island this is a thing that we see with our own eyes, a thing that we know. We hope it will continue.

And this last law has done even more for the immigrant himself. Just because he comes in smaller numbers, and is more like the rest of us to start with than the mass of his predecessors, we are able to take better care of him after he comes in. For the first time in our history we are enjoying a partial respite from the insoluble social and civic problems that followed the hordes of strangers whom we used to let settle among us without any numerical control whatever.

Furthermore, it is a pleasure to testify from my own personal experience that the State Department is applying this law in absolute fairness, without discrimination. Visés are granted in the order of application to persons who are fully qualified to come in. That is to say, no person, whatever may be his political influence, is able to have himself advanced on the list, on which the visés are granted by the various consuls, over any other entirely suitable immigrant who has applied. I know that, Mr. President, because, partly out of a desire to test it, I tried not long ago to secure such a preference from the State Department and was absolutely unsuccessful, although I took it clear to Secretary Hughes himself.

I might say in passing that I did it for my most influential constituent, because it was a servant that had been engaged to work in my own home, and I tried very hard to get a visé out of turn for that servant, and although I went clear to the Secretary of State himself I could not get it; and I am delighted to testify to the fairness and firmness with which he is applying that rule.

Finally, as for the numerical limitation we were so anxious to accomplish, I saw in the newspapers a day or two ago a statement that 231,000 immigrants had come to the United States during the first six months of this fiscal year. That is true, but utterly misleading. Two hundred and thirty-one thousand aliens came, it is true, but 31,000 of them were people who had gone abroad within the previous six months. It was not any more an immigration matter than if those people had gone to Coney Island and came back again to New York City. It had nothing to do with immigration. In the next place, it included all the Government officials who came here, and all the persons who came as tourists to visit the country, and they were a very considerable number, many thousand. It included all those who came on business, without the slightest intention of staying. It included, moreover, all those who passed through any part of American territory on a continuous trip to some foreign land. For instance, an alien coming from Bermuda to Montreal, landing in New York City, in the United States less than 24 hours, was included in that figure.

Mr. STERLING. Mr. President, what was the net immigration in the six months?

Mr. REED of Pennsylvania. That is just what I want to come to. Let me just state the problem we were trying to correct.

In 1914, the last year of unrestricted immigration, we gained 915,000 immigrants, net, and about 85 per cent of that number came from Europe. The gain in immigrants from Europe in 1914 was 801,000 persons, nearly 1 per cent of the population of the United States, and about one-fourth of that number came from Italy, about one-fourth came from Poland, about one-fourth came from Austria-Hungary. Only about one-fifteenth were English-speaking immigrants. That was the problem we were facing when the temporary quota law was to expire on the 1st of last July, a migration of at least 900,000 a year, and probably much greater because of the increased economic pressure.

The immigration law that was temporarily adopted in 1921, the temporary quota law, fixed quotas at 357,000, but it left so many loopholes that the actual arrivals were twice that many, and our net gain, therefore, in the year 1924, the last year before this new law went into effect, was 630,000 persons, and about two-thirds of them came from Europe.

Mr. STERLING. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. STERLING. Was there that net gain after all departures for that year?

Mr. REED of Pennsylvania. That is the net gain. In 1914 the immigrant aliens coming for permanent residence numbered 1,218,000, and the emigrant aliens numbered 303,000. The net gain was 915,000 persons. Last year, 1924, the immigrant aliens amounted to 706,000, while the emigrant aliens were only 76,000, showing a net gain of 630,000. It was a European problem, and a problem of southeast Europe. Most all of that immigration came from southern and eastern Europe.

Let us see what these six months have done. From July 1 to December 31, 1924, the gross arrivals of immigrant aliens from Europe amounted to 67,303, the departures of emigrant

aliens going abroad to stay amounted to 48,120, so the net gain from Europe was only 19,203. The departures of south-east and eastern Europeans far exceeded the arrivals. Our net loss to Italy was nearly 20,000. Our net loss to Poland was very considerable. We lost to all those countries that had sent us this great unassimilable body of immigration before, and the only reason there is a net gain of 19,000 from Europe is that from Germany, from France, from Sweden, from Great Britain, came much larger numbers than went away.

I think we can fairly say, for the first time in 75 years, that the problem of European immigration to America has been settled, with a net gain at the rate of less than 40,000 annually, and all of that net gain coming from northern and western Europe, mostly people who speak our language before they get here, mostly people who have inherited from their forbears a capacity for self-government. I think we can say that for once and all the problem of European immigration is settled.

In what I have been saying, I have not meant to make any comparison of peoples. I do not mean to say that the American is a finer man than the inhabitant of this or that European country. In many ways there is much we ought to learn from them. But I do say this: That they are unlike us; that they have not learned by 10 centuries of struggle how to govern themselves by our methods; and I say that that type of immigration does not mix in America, and that was the reason why we had an immigration problem. Those people came here with alien customs, alien language, alien habits of government, and they were increasingly unassimilable. I hail with great joy the fact that that problem is at an end.

The net gain, for example, so that I may give the figures exactly, the net gain from Germany during those six months was 19,466; from Great Britain and Ireland, 19,028. On the other hand, the net loss to southern and eastern Europe exceeded 20,000.

Now we turn to the other continents, and we need not dwell long upon immigration from them. It is enough to say that Asiatic immigration no longer is a question. We lost to Asia more immigrants than came in, and the number is only a few hundred either way. The same is true of Africa. The total immigration from the continent of Africa was only 218 persons. The net gain was less than 100.

Mr. KING. Mr. President, will the Senator yield at that point?

Mr. REED of Pennsylvania. Certainly.

Mr. KING. Has there been any migration from the Caribbean Islands, where the African inhabitants are quite numerous?

Mr. REED of Pennsylvania. I will come to the nonquota countries later. There is no Asiatic problem, because there we find a net loss. There is no African problem, because there the gain is less than 100 in the last six months. Australia and the Pacific Islands show a net loss of 50. Those problems no longer exist.

Then we come to the countries of the Western Hemisphere, and it is to those to which I want to call the particular attention of the Senate, because throughout this coming summer I know Senators will be besieged with a lot of circulars and letters urging methods of coping with what is called the problem of immigration from those countries. I myself have already had many letters wanting to know why I did not take some steps to put under a quota those countries of South and Central America and the West Indies that were "deluging us with unassimilable immigration," and I want to show the Senate what the facts are.

From Cuba, from the West Indies, from all of Central and all of South America, from the whole Western Hemisphere except Canada and Mexico—of which I will speak later—our immigration was less than the emigration, and our net loss was 529 persons. From all those regions only 2,800 immigrants came; and 3,300 emigrants, mostly natives of those countries, went back to those countries for permanent residence. There is certainly no problem there that deserves or justifies the agitation we have been witnessing.

Now, I want to come to Canada and Newfoundland. The law provides that a native-born citizen of Canada or Newfoundland may come in outside of the quota. In the last year—that is, the year ending June 30, last—under the old law, under which they were outside of the quota, we got in 200,000 and we lost only 2,600, showing a net gain of 198,000 Canadians. That has fallen off, through causes which I do not wholly understand, having nothing whatever to do with the immigration law, because they are still free to come; that has fallen off, so that in the first six months under the new law our gain was only 61,000. I do not regard that as a problem. Even if they do come in at the rate of 122,000 Canadians a year, that means native-born

Canadians, and it means people who in almost every respect are indistinguishable from ourselves.

As we look at the figures over the last 25 years we find that the same phenomenon has occurred before. Great numbers of them come in for two or three years, usually years of prosperity here, and then the tide ebbs and the balance is the other way, more Americans going to Canada. So that that does not seem to me to be a problem in any sense.

On the other hand, in return for this neighborly attitude we show to Canada, Canada allows us to place at her ports, like Halifax, Montreal, and Vancouver, our immigration inspectors; and the immigrants who come in through those Canadian ports are examined by American officials as to their suitability for coming into the United States. It is an entirely satisfactory arrangement. It works very well, and the examination is very rigid. I find that about 5,600 immigrants coming to the United States were examined in those six months in Canadian ports instead of in American ports. As a matter of fact, it is practically impossible to prevent their coming across the border if they get into Canada, even if we try to do it. We have a long land border which is difficult to guard, and it is much better, from our standpoint, to examine the immigrants before they get into Canada and let them cross at will that imaginary line than it is to provide a Canadian quota, which is an unneighborly thing anyway and is practically impossible to apply. We have too many laws in this country now that look all right on the statute books, but which can not be enforced in practice.

At all events, whatever the cause, Canadian immigration has fallen off in the current year by about one-third as against last year.

Turning to Mexico, there, again, we are told that America "is being swamped by hordes of illiterate Mexicans coming across the border in great numbers." That is not true. Last year, the year that ended June 30 last, under the old law, we did gain 87,410 Mexicans; 89,000 came in; 1,900 only went out. That was under the old law.

For some reason which I do not understand, but which I think is partly due to an increased zeal in enforcing the literacy test, the number has been very much reduced in the present year, so that in the first six months of the current fiscal year we took in only 11,701 Mexicans and we sent out 1,432, a net gain of 10,269. That is a reduction of 75 per cent in immigration from Mexico, although there is no check on it by the quota law. A more practical check, it seems to me, is the application of the literacy test and the head tax which every immigrant has to pay.

Mr. KING. Mr. President, will the Senator yield for a suggestion at that point?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Utah?

Mr. REED of Pennsylvania. I yield with pleasure.

Mr. KING. In speaking recently with a Mexican of some prominence I was told that with the opening up of some of the mines and smelters in Mexico, with the distribution of some of the large landed estates to the peons, as he called them, many Mexicans who formerly came to the United States had returned, had gone back from the United States; so that with the increased prosperity of Mexico, as he put it, the Mexican problem would disappear, and we would have very few coming to the United States.

Mr. REED of Pennsylvania. I feel sure that is quite true. The times when we have had the greatest immigration from Mexico have been times of internal disorder in Mexico, accompanied with the shutting down of their mines and smelters. Their people naturally came here because they were safe and because they could get work here; but as Mexico remains stable and as her industries stay active I think we will not have any appreciable number coming across the line.

To sum it up it means that what was a distinct menace before, of a million Europeans a year, has now dwindled down to an immigration problem of about 20,000 Mexicans each year.

Mr. WILLIS. Mr. President—

The PRESIDING OFFICER (Mr. Moses in the chair). Does the Senator from Pennsylvania yield to the Senator from Ohio?

Mr. REED of Pennsylvania. I am glad to yield to the Senator.

Mr. WILLIS. The Senator knows there has been considerable agitation in the country for some amendment of the immigration law that would be applicable to the potential immigrants who are at foreign ports with visas under the old law. What does the Senator think about the desirability or necessity for such legislation?

Mr. REED of Pennsylvania. I am glad the Senator asked about that, because I have no doubt we have all received a similar quantity of mail on the subject.

There are about 10,000 persons, mostly Russian and Polish Hebrews, in various ports along the Atlantic coast of Europe. They bear Russian or Polish passports with American consular visés on them, and the representation has been made to us repeatedly that those consular visés are certificates given them by Government officials of the United States which we ought now to honor by admitting those persons. I ask Senators to remember that those were not in any sense certificates. The practice has been, and the law has been, that any person from a friendly country entering a consul's office might stick out his passport and it was the consul's duty to stamp upon it a rubber stamp that said "visé," meaning just exactly what it said, "seen" by that particular consul. It was nothing more than proof that a man bearing that paper had been present at that consul's office. He might have been a pauper, he might have been afflicted with a loathsome and contagious disease, he might have been guilty of all the moral turpitude on earth, and yet it was the consul's duty to put that rubber stamp on the paper, although the consul would know the man would not be admitted if he got to the United States.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield further to the Senator from New York?

Mr. REED of Pennsylvania. I yield.

Mr. COPELAND. Is it not true that many of our consular officers have also taken \$10 from the man who has had his papers viséed?

Mr. REED of Pennsylvania. It is perfectly true that in every case the consul takes the visé fee that we have fixed by law.

Mr. COPELAND. What does the Senator have to say about the 10,000 or 12,000 persons in the ports of Europe now who have paid \$10 to consular officers for having their passports viséed?

Mr. REED of Pennsylvania. I say that while I would gladly vote for a bill which would authorize the refund of that visé fee to-day, while I would not want to keep the money of those immigrants who paid it thinking they could get into America; yet, their mistake was not our fault, and the way to rectify a \$10 mistake is not to admit a lot of undesirable immigrants to the United States.

Let me say one thing more. The State Department is very properly giving preference to that group of immigrants who are stranded there in European ports, picking them out according to their entire acceptability under our immigration laws. The hardest cases have been relieved; the cases for which the greatest sympathy is felt; the cases of the greatest hardship have already been admitted to the United States lawfully within the quotas established by the new law. It is quite right and proper that they should be, but for us to do as we have been asked to do by various societies, pass a general amnesty suspending the quota for all persons there in those European ports, would, in my judgment, be a wicked departure from the principle which Congress has established.

Let me tell Senators one thing more. I was in Cherbourg last summer where there are a very large number of these immigrants stranded. They gave them work there. The municipality of Cherbourg went out of its way to find work for those stranded immigrants. They created jobs for them. They had not been there more than three months until they organized their own little soviet. They struck and refused to take the jobs furnished them, and they had the town of Cherbourg terrorized for a considerable time. That is the kind of immigrants they are, and I say that is all the more reason for not wanting them here.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield further to the Senator from New York?

Mr. REED of Pennsylvania. I yield.

Mr. COPELAND. I have known towns in America that were terrorized by Americans. I am sure the Senator does not want to give the impression that all immigrants stranded in the ports of Europe are of the kind he has described?

Mr. REED of Pennsylvania. Not at all. I do not think they are.

Mr. COPELAND. Then let me ask the Senator why could not our Government in all decency and with perfectly proper consideration for the best interests of our people now select from those persons stranded in the ports of Europe such individuals as are qualified to receive our citizenship? Why not do that outside of the quota and end this intolerable situation?

Mr. REED of Pennsylvania. Because the moment we do that we set up a precedent and we will have another group coming along. There is a great group of them down in Cuba, people who did not come to the United States because the quota was exhausted. They went to Cuba, and now we are asked to take them in from Cuba because they can not find satisfactory work there and they are lonely for their American relatives. The trouble with all this is that when they talk about uniting families they always want to unite them here. A cousin will come over here and then he wants about seven cousins to come over to reunite the family group on the East Side of New York instead of his going back to Europe with them. I remember two years ago we had a bill fathered by that distinguished former Senator from Mississippi, Mr. Williams, who wanted to admit 25,000 Armenian refugees over and above the quota. The heart of Congress for a moment seemed about to soften. It was not so long after we had fought that bill and had killed it, I am glad to say, that we began to get reports from the 25,000 Armenian refugees. We discovered that 80 per cent of them had either tuberculosis or syphilis, or some other communicable disease, that would have made them absolutely ineligible if we brought them here.

We would have done a fine piece of charity to those 25,000 Armenians to give them a trip across the ocean and then turn them away and send them back to Armenia. That is the trouble with these suggestions. It sounds fine when the application is made, but I beg of Senators to be on their guard against that type of charity relief which consists in giving admission to America and ultimate citizenship here to people merely because they are in distress somewhere else. If we want to be charitable let us do it with money and not with citizenship.

I have almost finished. I want to say another word about statements made with regard to immigrant smuggling. There are not ships enough crossing the ocean to bring the immigrants who are said to be smuggled into the United States in these days. We know what the human freight is on the boats coming to Mexico and to Canada.

There are not enough of them coming to bring the numbers that are said to be smuggling themselves in. There is some smuggling from this precious crowd of lawbreakers that hovers outside of New York, the rum fleet. They do smuggle in a few immigrants, I believe, along with their liquors. There are a few smuggled across the Canadian border. It is very easy to come across on the Detroit Ferry, for instance, if one speaks English and looks like an American. The inspectors do not have the time to examine them very carefully. There is some smuggling there, but it is comparatively little.

We are guarding against it, as I tried to explain before, by locating our inspectors in Canadian seaports and Mexican seaports, infinitely better than we could by trying to police the border. We have recently established a police force of about 250 border police, but if we allow them half of the 24 hours for sleep and rest, it therefore follows that only half of them are on duty at one time, which means that they have about 40 miles per man to guard and one man has a lot of difficulty guarding 40 miles of river which can be waded at any point.

The Canadian boundary is 3,980 miles long, measured by all of its windings. The Mexican boundary is 1,744 miles long, and it is very easy to cross at any place. The coast lines of our States immediately adjacent to the boundaries furnish very easy methods of access. The St. Lawrence River and the Great Lakes coast line and the Washington and Maine coast lines add 6,000 miles of accessible frontier in addition to the land boundary. Down in the Gulf of Mexico our Gulf States add 7,600 miles more of frontier, which is comparatively easy for an alien to cross in safety. But there is encouragement, so far as that goes, in the figures regarding deportations. They have very much increased because of the increased vigilance of our immigration authorities. In the last six months the deportations amounted to 4,448, an increase of about one-third over any similar period in our history.

It is practically impossible for an immigrant to smuggle himself in and stay hidden. It is not always that our inspectors get him, but somebody whose job he has taken, or somebody who has a personal reason for telling on him, always informs the immigration authorities, and in the end they get him.

We have picked up a surprising number by their applications for citizenship. A good many of them think that their offense is forgotten; after a few years they apply for citizenship, and then to their astonishment they are arrested and deported. All I mean to say as the sum of it all is, when we are urged, as we all will be during the coming months, to take some steps against this terrible menace of smuggling, let us be a little critical in finding how terrible it is. In my judgment it is comparatively insignificant.

I have finished my message; I beg the Senate to scrutinize critically the pleas for amendment of this law which will come to Senators in the course of the next six or eight months; indeed, they have already begun to appear. I assure Senators that so far as our present experience shows the law is working well; it is carrying out the intentions that Congress had when it was passed last spring, and it is to the everlasting interest of America that we should stand rigidly by the policy which Congress has adopted.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a naval reserve and a Marine Corps reserve, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BRITTEN, Mr. DARROW, Mr. STEPHENS, Mr. VINSON of Georgia, and Mr. MCCLINTIC were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills and a joint resolution, and they were thereupon signed by the Presiding Officer [Mr. MOSES] as Acting President pro tempore:

H. R. 2656. An act to permit the correction of the general account of Robert G. Hilton, former Assistant Treasurer of the United States;

H. R. 2745. An act for the relief of J. M. Farrell;

H. R. 11474. An act to fix the time for holding the terms of the United States District Court for the Eastern District of Virginia at Alexandria; and

H. J. Res. 325. Joint Resolution extending the time during which certain domestic animals which have crossed the boundary line into foreign countries may be returned duty free.

THE FERTILIZER AND AGRICULTURAL SITUATION

Mr. SMITH. Mr. President, we have an agreement that, on a certain day, we shall take up and consider conference report on the much-discussed Muscle Shoals bill. I am not going to take the time of the Senate this afternoon to discuss that measure or its merits or demerits as it now appears as a result of the deliberations of the conference committee; but some of us have taken occasion to call the attention of the Senate to the necessity of something being done looking toward the relief of the agricultural interests of the country from the intolerable burden imposed by the present method of obtaining fertilizer and the prices which farmers are compelled to pay for it.

Of course, Senators from the West can not appreciate what that means, and some few of the States in the cotton belt can not appreciate it; but the farmers on the Atlantic coast from Maine to Florida know what it means. It is only a question of a few years, however, before every field in America will know what it means artificially to fertilize the soil in order to maintain production. As matters now stand, the Atlantic seaboard farmers are absolutely at the mercy of the fertilizing industry of the country. It is idle to speak about diversified farming being practiced for the purpose of renewing the fertility of the soil and also producing a sufficient quantity of agricultural commodities to meet the needs of our people. It is absolutely essential that the Government shall find means by which those who engage in farming will have relief from that feature of their great and complex burden which has to do with fertilizer. Otherwise, they are not now and perhaps will not for a number of years be in a position where they can meet that problem.

I have in my hand a letter which I may read in full, to some of the main features of which I wish to invite the attention of those Senators who really have the welfare of the agricultural interests at heart. The President of the United States has spoken of his interest in the farmer and has gone so far as to intimate that before we adjourn something must be done for his relief. I do not think, Mr. President, that had we had infinitely more experience than we have had, and more wisdom than we appear to have, we could in the short time that is now left of this session even approximate anything like the solution of the farmer's problem; but we could, at least, mitigate the situation in some of its more approachable forms. We have had the report of the commission on agricultural inquiry before the Agricultural Committee and there seem to be a theoretical disposition to help, but nothing very practicable has, up to the present time, been suggested that might really relieve some of

the difficulties that are facing the farmer now and really are to a degree that but very few people realize, destroying the agricultural products of the country.

The falling off in the number of cultivated farms in the South Atlantic States is appalling. The problem to which I now call attention is a practical one that could be solved in a practical way.

In 1918, when the price of nitrogen advanced to \$100 a ton or more, I secured from the Congress a revolving fund of \$20,000,000, had the Government send its ships to Chile, there purchase the nitrates, bring them to America, and sell them at a price merely sufficient to cover the cost of purchase and transportation. That measure resulted to the practical benefit of those who use fertilizer along the entire Atlantic seaboard.

The situation that confronts the people in my State and other States of the South is set forth in the letter which I hold in my hand from the president of the American Cotton Association, in which he says:

DEAR SENATOR SMITH: I note the fertilizer companies in South Carolina and, in fact, I think the entire South Atlantic States have an agreed price. There is no competition. Is this permissible under the law?

The farmers are forced to sell on the open market, in fact, to compete against each other in the sale of their products, and yet in buying they buy on a restricted market with price agreement.

Fertilizer prices are much higher than last year. You know the financial condition of our farmer. Is there no protection for him in this line?

Then, in addition to this, there is another important matter. In fertilizer materials—

Not the mixed goods, but, as he says, fertilizer materials—

is being sold artificial ammonia, some made from garbage, tankage, various waste products, including the remnants of wool, peat, and peaty stuff. Also there are artificial tankages as follows: Alpha tankage, kanona tankage, and nitrogenous materials, etc. It is claimed by those who are supposed to protect the farmers that this stuff becomes available for plant food by chemical treatment and that it is the part of wisdom to permit the sale of it, as it furnishes an outlet for waste products. In other words, it furnishes a sale for the waste products in St. Louis and other northern and western cities.

It would be cheaper for the farmer to make a regular appropriation to these various factories instead of buying their waste products under the delusion he is getting value received for them.

There is also a form of acid being sold on the market that does not come up to standard. This commercial acid phosphate consists of a mixture of calcium acid phosphate and calcium sulphate, commonly called gypsum, and it being similar to acid phosphate in appearance would remain in the soil in the same condition after a lapse of one year. The calcium acid phosphate, which is available, would probably have been leached out, and the calcium sulphate, which is insoluble, would remain behind.

Realizing the deep interest you take in all that concerns agriculture, I am writing you concerning the above. I feel it is worthy of the most serious consideration, and I would suggest that you take the necessary steps for having investigations made as to the agreement concerning price of fertilizer.

I ask, Mr. President, the privilege of incorporating the entire letter in the RECORD.

THE PRESIDING OFFICER. Without objection, permission is granted.

The letter is as follows:

NATIONAL HEADQUARTERS, AMERICAN COTTON ASSOCIATION,
St. Matthews, S. C., February 12, 1925.

Senator E. D. SMITH,

Senate Office Building, Washington, D. C.

DEAR SENATOR SMITH: I note the fertilizer companies in South Carolina, and, in fact, I think in the entire South Atlantic States, have an agreed price. There is no competition. Is this permissible under the law?

The farmers are forced to sell on an open market, in fact, to compete against each other, in the sale of their products, and yet in buying, they buy on a restricted market with price agreement.

Fertilizer prices are much higher than last year. You know the financial condition of the farmer. Is there no protection for him in this line?

Then, in addition to this, there is another important matter. In fertilizer materials is being sold artificial ammonia, some made from garbage tankage, various waste products, including the remnants of wool, peat, and peaty stuff. Also, there are artificial tankages as follows: Alpha tankage, kanona tankage, and nitrogenous materials,

etc. It is claimed by those who are supposed to protect the farmers that this stuff becomes available for plant food by chemical treatment, and that it is the part of wisdom to permit the sale of it, as it furnishes an outlet for waste products. In other words, it furnishes a sale for the waste products of St. Louis and other northern and western cities.

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The calcium acid phosphate which is available would probably have been leached out and the calcium sulphate which is insoluble would remain behind.

Realizing the deep interest you take in all that concerns agriculture, I am writing you concerning the above. I feel it is worthy of the most serious consideration and I would suggest that you take necessary steps for having investigations made as to the agreement concerning price of fertilizer; also the various materials from which fertilizer is made and their value as plant food. You, of course, realize the importance of nitrogen or ammonia to plant life.

We should keep in mind the fact that there are three sources of ammonia, or rather three forms of ammonia—nitric nitrogen, ammoniacal nitrogen, and total nitrogen, the organic nitrogen being ascertained by deducting the sum of the first two from the latter.

I do not charge that all of the manufacturers use artificial ammonia, still they are using it very extensively in the mixing of fertilizer, although they are not sold as raw material.

The use of mineral ammoniates nitrate and sulphate of ammonia, as the entire source of ammonia is indeed hazardous if it is applied all under the crop. In a wet season the farmer gets only a small per cent of benefit. Mineral ammoniates are valuable as side dressers. Organic ammonia should be applied under the crops to produce a successful crop of cotton.

Is it permissible to have an agreed price in the sale of fertilizer and to use these various materials? A consultation with the Senators from the other sections of the Cotton Belt where fertilizer materials are being extensively used will, I feel sure, bring to the realization of all of you the fact that these conditions exist in each of their States and should be immediately remedied.

The farmer to become prosperous must add all costs to his products. He is already taxed to death. His production per acre has a marked bearing upon the cost of production. The smaller the yield the greater the cost, and hence you can readily see his predicament.

The eastern belt is to-day at great disadvantage raising cotton in competing against the Western States. In fact they are in the same condition as the northern manufacturers are in the North and South; therefore every effort possible should be used to protect the farmer and to enable him to produce cotton so as to receive from it cost plus a reasonable profit. If this is not done not only agricultural interests in each of these States but every line of business will pay the penalty.

Another matter worthy of consideration is this: The fertilizer mixing plants use fillers in their fertilizers; that is, dirt or other material for the purpose of mixing various plant elements, including acid, nitrate or ammonia, and potash. Dirt is, of course, worthless except as a filler. Should this not be taken into consideration in transportation rates and the rate on fertilizer be made especially low?

In other words, why should the farmer be penalized with payments of freight at a high rate on dirt or fillers, these worthless materials? Of course, fertilizer companies do not claim these fillers are of any value. They frankly state it is used for the purpose of enabling them to mix the other fertilizers or materials. Still, it takes up a large proportion of the tonnage, and the farmer, as usual, "pays the freight."

Best to remain,

Very respectfully,

AMERICAN COTTON ASSOCIATION,
By J. S. WANNAMAKER, President.

P. S.: Concerning my reference to acid in letter of yesterday and today, there seems to be considerable confusion concerning this, and it may be the information given is not correct as to acid. It is absolutely correct as to the other material.

I am now making a thorough research so as to verify the information about the acid.

The mixture known as acid phosphate, as I understand its chemical composition, is about as follows:

Monocalcium phosphate, 1 lime; dicalcium phosphate, 2 lime; tricalcium phosphate, 3 lime; calcium sulphate—gypsum, silicates.

The mono and the di, I believe, represent the so-called available phosphoric acid. The tri is the insoluble phosphoric acid. Then there is usually a small percentage of free phosphoric acid. The silicates come from the sand that may be in the phosphate rock. I think the acid

phosphate generally would test, say, 58 per cent to 60 per cent calcium sulphate; available and soluble phosphoric acid, say, 18 per cent, and the balance silico and sundry. As in cottonseed meal, you have, maybe, of 7 per cent ammonia and the balance is foreign matter; so in acid phosphate you have, say, 18 per cent phosphoric acid and the greater part of the balance is calcium sulphate, or so-called gypsum.

Mr. SMITH. Mr. President, I call attention to the concluding words of the writer of this letter. After showing how much of this ingredient is not available for fertilizer purposes he says:

Another matter worthy of consideration is this: The fertilizer-mixing plants use fillers in their fertilizers; that is, dirt or other material for the purpose of mixing various plant elements, including acid, nitrate or ammonia, and potash. Dirt is, of course, worthless except as a filler. Should this not be taken into consideration in transportation rates and the rate on fertilizer be made especially low?

The fact is that seven-eighths of the tonnage is pure dirt, from which the farmer gets no use, but upon which the manufacturer makes a big profit and the railroad gets the maximum freight.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. SMITH. I yield.

Mr. NORRIS. My attention was diverted. From what letter is the Senator reading?

Mr. SMITH. I am reading from a letter from the president of the American Cotton Association, calling attention to the fact that all forms of fertilizer in the South have been raised horizontally and equally by all the companies \$6 a ton, amounting in my State to \$6,000,000 that the farmers will have to pay in excess of what they paid last year; and in addition to that they will not be allowed the privilege of making notes to be paid out of the crop when produced, but must make arrangements to pay cash, and the local banks are in no condition to carry these notes. The result will be either no crop, or that the money will have to be borrowed and cash paid and mortgages given not on the crop but on such property as the farmers may be able to put up as collateral in order to secure the notes.

Mr. NORRIS. Mr. President, I should like to ask another question. The one I asked was simply leading up to it.

The Senator is chairman of the Committee on Interstate Commerce, and is the author of a joint resolution in which Congress expresses the opinion that in fixing freight rates the Interstate Commerce Commission ought to take agriculture into consideration as one of the basic things in our civilization; and the Senator was reading in regard to freight rates. I think the Senator is very well posted on the freight-rate question as applied to fertilizer, and I want to ask him about the increase in freight rates on fertilizer and how much it has been reduced, if any, since the war.

Mr. SMITH. There has been practically no reduction, as far as I know, in the freight rates since the war. There is now going on a hearing in the southeastern tariff territory looking to a readjustment of the commodity rates; but there has been no reduction as far as I am advised.

Mr. NORRIS. Of course the Senator, being a member also of the Agricultural Committee, is very familiar with the very extensive hearings we have had at various times in the last three years on the fertilizer question; and he knows that one of the very big items in the fertilizer bill is freight, brought about for the very reason stated in the letter the Senator has read, that about 80 per cent of the product is nothing but dirt that does not do any good except that it must be put into the fertilizer as a carrier, as the specialists say. If we could eliminate this worthless and useless material that constitutes 80 per cent of the freight that must be paid, it would very materially reduce the price of fertilizer if the farmer got the benefit of it. It would be about between a third and a half, would it not?

Mr. SMITH. It would reduce the price about one-third.

Mr. NORRIS. I think a little more than a third, because it would not only figure in the freight. This material that is in the fertilizer costs something to put it in, although it is worthless and nothing but dirt; it costs something to get it, and it costs something to mix it; it takes more labor to handle it; it takes more sacks to pack it in and ship it; it costs the farmer more to haul it out when he gets it; it takes more time to put it on the land.

Mr. SMITH. I rather think that the Senator from Nebraska is right, that this would approximate 50 per cent of the cost if it could be eliminated. If we could eliminate the extra cost of hauling that dirt it would amount in my State alone to more than \$1,750,000; and it is impossible to impress upon this body, interested as they are in other problems that

are nearer to them and more intimate, the far-reaching significance of this very impoverishing process that is going on from all directions upon the head of the defenseless farmer in our fields.

You must remember, Mr. President and Members of the Senate, that we pay no concern to the personnel of agriculture. We simply are satisfied with the aggregate, the number of millions of bushels of wheat pouring in each year. We do not reckon the number engaged in its production, or the suffering, or the sacrifice that they make, so long as we get enough millions of bushels to satisfy the needs of this country. We get the aggregate of the cotton crop of the South, spelling millions of bales. We seemingly have no concern with the condition of the millions engaged in its production, so long as the aggregate of their sacrifice and suffering spells cotton enough for the spindles of this country; and it is the same way with all of our agricultural production. We take no concern as to the welfare of the people engaged in it. We are simply looking toward the volume.

Take the activities of the Agricultural Department. Have you ever heard of their issuing bulletins and memorializing the country as to how to get a better price for the farmer? The slogan of it all has been to teach the farmer how to make more and take less for the more, while having to pay exorbitant prices in every direction, with the farmer unable to organize in a way by which he can pass back to the man who charges him extra for the fertilizer the amount he has to pay in an extra price for the thing that the fertilizer produced, until he is discouraged; he is tired of gestures being made, as they are being made now, and of hollow words that signify nothing.

We had an example just the other day. A Senator introduced in this body an amendment to a bill which was referred to the committee of which I am chairman, proposing, in order to help the railroads of this country, to reduce the interest on the money due by those railroads to the Government from 6 per cent to 4½ per cent, and the bill was approved in the committee, and recommended for passage to this body; and yet in the intermediate credits act we have provided that through a grapevine, roundabout, indirect method the Government will allow money at the rate of 7 per cent per annum to the men that feed and clothe this country. There is no attempt to diminish the burden of interest on sufficient capital for the farmer to meet the obligations he must necessarily incur to make the clothes we wear and the food we eat. So far as I know not a bill has been seriously considered in this body looking toward immediate financial relief.

Some one has said that the farmer has more credit now. Of course he has, when he has not any means by which he can make his weight felt in the markets of the world. What he needs and what he must have is capital enough, when his crop is made, to hold it from the market until he can name a price sufficient to absorb the burden that he has to bear.

It is idle to talk about anything else. If the producers of wheat can not get sufficient capital to meet the obligations incurred in its production and hold it from the market until such time as they can name the price, it is idle to talk about the tariff; it is idle to talk about cooperation; it is idle to talk about marketing. The farmer's business is that upon which our entire financial and banking system is founded and must live; and not a single word is said here looking toward granting him the volume of currency necessary each fall for him to hold his stuff, as the organized businesses of this country hold theirs, until such time as he can, by the price he fixes, absorb some of the burden that he bears.

We have an opportunity now, in place of this piecemeal business, of saying, indirectly, that he may have sufficient credit. No, Mr. President; when we speak about the farmer having more credit now than he really needs, the philosophy of our argument is like that when Pat was riding the old horse, so poor that every time he took a step he reeled; and somebody said: "Pat, why in the name of God don't you put more flesh on that horse's bones?" "The devil!" he said; "he can hardly walk with what he has got. What in the dickens would he do with any more?" [Laughter.]

That is the philosophy of those who are saying now that the farmer is getting too much credit. What we need to do is to take this problem as a common-sense one, and provide a volume of credit sufficient for the wheat man to hold his wheat off the market until he can raise his price to a point where it is *pari passu* with the price of the things he has to buy. He is not in a position to take care of himself. He furnishes the raw material upon which all of the superstructure of our organized society rests. He is the ward of this Nation, less in education, less in resources than others, and yet the aggregate of his pittance spells the tremendous abundance in our markets.

At the proper time before the end of this session, Mr. President, I am going to reoffer the bill that I introduced heretofore, calling upon the Government to go to the foreign country which has an abundance of this fertilizing material and buy it and sell it at cost to those that need it, so that we may be relieved from this arbitrary imposition of six to seven dollars a ton at the sweet will of those who can get money—aye, get it from the Government—cheaper than the man who transforms it into the necessities of life.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. SMITH. I yield.

Mr. NORRIS. The Senator has just stated that he proposes to have the Government go and buy this fertilizer and bring it over here and sell it at cost. Does not the Senator know that that would put the Government into business? He would have to go into the ranks of the fellows over here who are in favor of having the Government operate the Cape Cod Canal. He would not want to do that, would he?

Mr. SMITH. Mr. President, I do not want to commit the unpardonable sin unless the circumstances justify it.

Mr. NORRIS. It would be an unpardonable sin. We must not put the Government into business. I must say to the Senator that he will commit an unpardonable sin if he puts the Government into business, unless he can first demonstrate that private parties have been in the business and can not handle it; and then he will get into the Cape Cod Canal class. He will be all right then.

Mr. SMITH. Mr. President, what I want is to have us recognize the emergency that is on us. I have no fear about this question of the Government going into business when I realize that the Government is the people of America. It is not a little coterie in Washington. We are beginning to associate our ideas of the Government with some superthing here in which we have no part or parcel.

This is a Government of us all, and, therefore, when necessary it should come to the relief of all. I have no hesitancy in voting at any time for the Government engaging in those things which are essential for the relief of the people.

NAVAL RESERVE AND MARINE CORPS RESERVE

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a naval reserve and a Marine Corps reserve, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ODDIE. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ODDIE, Mr. WELLER, and Mr. SWANSON conferees on the part of the Senate.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL—SALARIES OF CABINET OFFICERS, MEMBERS OF CONGRESS, ETC.

Mr. WARREN. I report back from the Committee on Appropriations favorably the amendment indorsed by the Committee on Finance, which forms an amendment to House bill 12101, the legislative appropriation bill.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

ST. LOUIS RIVER BRIDGE, WIS.

Mr. LADD. From the Committee on Commerce I report back favorably without amendment the bill (S. 4325) authorizing the construction, maintenance, and operation of a bridge across the St. Louis River between the cities of Superior, Wis., and Duluth, Minn., and I submit a report (No. 1142) thereon. The Senator from Wisconsin [Mr. LENROOT] is very anxious to have this bill passed immediately, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Twin Ports Bridge Co., a Wisconsin corporation, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the St. Louis River at a point suitable to the interests of navigation, from Belknap Street, or within one-half mile north or south thereof, in the city of Superior, Wis., to Le Seur Street, or the vicinity thereof, in the city of Duluth, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The cities of Duluth, Minn., and Superior, Wis., may jointly, or either may, with the consent of the other, at any time after 10 years after the completion of said bridge, purchase the same. The purchase price shall be the reasonable value of said bridge, including approaches, right of way, and accessory works. In such value the bridge shall be considered as having the license to continue, but such license or franchise right shall not be considered to have a value of exceeding \$1,000, and nothing shall be allowed for going concern value. The item of cost of financing the construction shall be considered, but it is not intended that any specific sum of money therein expended must be added to the purchase price otherwise determined. Such value shall be determined by such board of arbitration as may be selected by the corporation and said cities, and in the event of disagreement then upon request of either the bridge company or the cities by the Secretary of War. When such determination is made it shall be filed with the city clerks of the respective cities of Duluth, Minn., and Superior, Wis. The said bridge company shall file with the Secretary of War and the city clerks of the cities of Duluth and Superior within six months after the completion of said bridge and works an accurate report, verified by its treasurer, of the expenditures made by the company in such construction and purchase of right of way and accessories and cost of financing construction, and likewise shall file with the Secretary of War and the city clerks of such cities within said time after the expenditure thereof verified report of any additional improvements afterwards made thereon. The books of said company shall be open to audit by either city at any time, upon demand of proper officials.

In the event of any incumbrances upon said bridge property, the amount thereof, with accrued interest, but not to exceed the purchase price, shall be first paid direct to the owners or holders thereof and applied upon the purchase price: *Provided*, That if the amount of such incumbrances exceeds the purchase price, then the payment of such purchase price to the owners or holders of such incumbrances shall fully extinguish the same, and same shall be paid in order of their priority of lien.

Upon payment of said purchase price, within four months after the filing with said city clerks of the determination thereof, the said Twin Ports Bridge Co., its successors and assigns, shall execute and deliver a conveyance of said bridge to the purchaser or purchasers and assign all rights and grants hereunder. The limitation herein as to the four months shall not bar subsequent purchase under the provisions of this act.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

USE OF PRECANCELED STAMPED ENVELOPES

Mr. STERLING. Mr. President, I ask the Chair to lay before the Senate House bill 10471, authorizing the Postmaster General to permit the use of precanceled stamped envelopes.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 10471) authorizing the Postmaster General to permit the use of precanceled stamped envelopes was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Postmaster General is authorized, under such regulations as he may prescribe, to issue a permit to persons using Government stamped envelopes to deface the postage stamps thereon in connection with the placing on the envelopes of the name of the post office and State of mailing, together with such other indicia as may be prescribed.

Mr. NORRIS. I did not hear the statement of the Senator. What was his request?

Mr. STERLING. I just stated that a short post-office bill had been sent over from the House of Representatives to-day. It is identical with a Senate bill of the same title, and I am asking that the House bill be substituted for the Senate bill.

Mr. NORRIS. Has the Senate bill been reported from the committee?

Mr. STERLING. Oh, yes; it has been reported from the committee.

Mr. NORRIS. Is it on the calendar?

Mr. STERLING. It is on the calendar. I ask for the immediate consideration of the House bill.

The PRESIDING OFFICER. Is there objection to the request preferred by the Senator from South Dakota?

There being no objection, the bill was considered as in committee of the whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 3799, the bill of like character, will be indefinitely postponed.

MISSISSIPPI RIVER FLOOD CONTROL

Mr. HARRISON. I enter a motion to reconsider the vote whereby the Senate passed the bill (S. 4130) authorizing an investigation, examination, and survey for the control of excess flood waters of the Mississippi River below Red River Landing in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes.

The PRESIDING OFFICER. The motion to reconsider will be entered.

PIER AND WHARF IN YORK RIVER, VA.

Mr. SWANSON. I ask that the Presiding Officer lay before the Senate House bill 11725.

The PRESIDING OFFICER. The Chair lays the bill before the Senate, and it will be read.

The bill (H. R. 11725) to legalize a pier and wharf in York River at Gloucester Banks, near Gloucester Point, Va., was read the first time by its title, and the second time at length, as follows:

Be it enacted, etc., That the pier and wharf built by Robert H. Talley, trustee, in the York River, State of Virginia, at Gloucester Banks, which is about 1 mile east of Gloucester Point, Gloucester County, Va., and about one-half mile west of Sarah Creek, Va., be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by the existing laws of the United States in such cases made and provided had been regularly obtained prior to the erection of said pier and wharf: *Provided*, That any changes in said pier which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owner thereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. SWANSON. This morning the Senate passed a Senate bill similar to this bill, and I ask unanimous consent that the Senate proceed to the consideration of the bill from the House.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NORRIS. Should we not ask the House to return the bill we passed on that subject?

The PRESIDING OFFICER. Not necessarily. As a matter of politeness, it might be well.

Mr. NORRIS. It is hardly treating the House right to send a bill to them—

The PRESIDING OFFICER. The Chair is informed by the clerks at the desk that the bill has not yet been messaged to the House. Therefore a motion to reconsider and indefinitely postpone it will be in order.

Mr. NORRIS. I am not familiar with the bill—

Mr. SWANSON. The House and Senate bills are identical. I ask unanimous consent for the reconsideration of the vote by which Senate bill 4305 was passed, and that the bill be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the committee.

Mr. COPELAND obtained the floor.

Mr. PHIPPS. May we not have a vote on this one amendment?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Colorado?

Mr. PHIPPS. Unless the Senator desires to discuss the pending amendment, I suggest we have a vote on it and pass on to the next amendment.

Mr. COPELAND. I am very happy to yield to the Senator for that purpose.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee found at the bottom of page 5, beginning with line 24.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment.

The READING CLERK. On page 6, after line 12, the committee proposed to insert the words "For the replacement of one 1½-ton truck, \$2,400."

OPERATION OF IMMIGRATION LAW OF 1924

Mr. NORRIS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. NORRIS. Has the Senate agreed to go into executive session at 5 o'clock?

The PRESIDING OFFICER. It has.

Mr. NORRIS. I have been trying for several hours to get the floor, but I will not be able to say in 10 minutes what I have to say, so I do not care to proceed at this time.

Mr. COPELAND. Mr. President, I was very much interested in the comments of the Senator from Pennsylvania [Mr. REED] on the immigration law and its operations. I did not care to interrupt his remarks, but I do wish to have in the same issue of the Record where his address appears some criticism of the failure of our Government to give consideration to the aliens who are in ports of Europe waiting to come to America.

I am in harmony with the general principles laid down in the last immigration law. I felt when the bill was passed that the percentage restriction was too great, and I feel so now. I think we could assimilate a larger number than is permitted to enter. I am more than ever convinced of that fact when I find how smoothly and successfully the work at Ellis Island is proceeding under the present law.

The thing I want to present particularly to the Senate is a thing which every Senator must know, but I doubt if every Senator has given to it the serious thought which its importance deserves.

There are in the various ports of Europe now 12,000 persons who have received passports to the United States, each person having paid \$10 to our Government for the visé, many of them started for this country before the bill went into effect which restricts their admission, and they are detained on the other side of the Atlantic because of the inability of our Government to receive them under the operation of the present law.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. COPELAND. I yield.

Mr. NORRIS. I want to ask the Senator a question for information. As I understand it, the cost of these visés is \$10 each. Is that correct?

Mr. COPELAND. That is correct.

Mr. NORRIS. Is that fixed by law, or departmental regulation?

Mr. COPELAND. I think, by law.

Mr. NORRIS. Do we collect it from these people and then refuse them admission?

Mr. COPELAND. Yes; we do.

Mr. NORRIS. Do we not return the money?

Mr. COPELAND. We do not.

Mr. NORRIS. I am not trying to intimate or say that they should be entitled to come in on that account, but certainly we should not take their money and keep it, and then keep them out. We should return to every one the \$10.

Mr. COPELAND. We should return the \$10. We have upward of \$100,000 collected in that way.

Mr. NORRIS. Gathered from people practically all of whom are very poor?

Mr. COPELAND. I may say to the Senator that if we should convert \$10 into the depreciated currency of the countries from which they come, it would be necessary to have a sailing vessel to contain the money. They are poor. They are not only poor but they are without homes. The homes of many of them were destroyed during the war. These persons have sold all of their effects, and have traveled to the various ports expecting to come to the United States.

I agree with the Senator from Pennsylvania that some of these persons are not worthy of admission to our country, but in my judgment, the great majority of them are worthy of our citizenship, and, I think, we might well find some way to search out from those waiting persons aliens who are entitled to come here and are worthy of our citizenship, and in the name of humanity and in the name of the boasted freedom and liberty of America, permit them to enter the United States.

I do not ask the Senator from Pennsylvania, or anyone else interested in the operation of this particular law, to set it aside, but I do ask that some plan be worked out by which there may be brought from those shores persons who are worthy to receive the citizenship of America.

EXECUTIVE SESSION

The PRESIDING OFFICER. The hour of 5 o'clock having arrived, under the unanimous-consent agreement previously entered into the Senate will proceed to the consideration of

executive business. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 5 o'clock and 10 minutes p. m.), under the order previously entered, the Senate took a recess until 8 o'clock p. m.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

The PRESIDING OFFICER (Mr. Moses in the chair). The Senate resumes the consideration of the District of Columbia appropriation bill.

APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes.

The PRESIDING OFFICER. The Clerk will state the next amendment.

The next amendment of the Committee on Appropriations was, under the subhead "Municipal architect's office," on page 6, after line 12, to insert: "For the replacement of one 1½-ton truck, \$2,400."

The amendment was agreed to.

The next amendment was, under the heading "Contingent and miscellaneous expenses," on page 11, line 4, after the word "departments," to insert "and the office of public buildings and grounds," so as to make the proviso read:

Provided, That with the exception of motor vehicles for the police and fire departments and the office of public buildings and grounds, no automobile shall be acquired under any provision of this act, by purchase or exchange at a cost, including the value of a vehicle exchanged, exceeding \$650, except as may be herein specifically authorized. No motor vehicles shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Employment service," on page 14, at the end of line 6, to increase the appropriation for personal services and miscellaneous and contingent expenses required for maintaining a public employment service for the District of Columbia, from "\$9,340" to "\$9,400."

The amendment was agreed to.

The next amendment was, under the subhead "Street improvements," on page 16, line 10, after the word "to," to strike out "Thirty-fifth Street, 30 feet wide, \$7,920," and insert "Wisconsin Avenue, 30 feet wide, \$21,920," so as to read:

Northwest: For paving Ordway Street, Thirty-fourth Street to Wisconsin Avenue, 30 feet wide, \$21,920.

The amendment was agreed to.

The next amendment was, on page 16, after line 17, to insert:

Northwest: For paving Thirty-fifth Street, Quebec Street to Rodman Street, 30 feet wide, \$4,500.

The amendment was agreed to.

The next amendment was, on page 16, after line 19, to insert:

Northwest: For paving Macomb Street, Wisconsin Avenue to Idaho Avenue, 50 feet wide, \$12,000.

The amendment was agreed to.

The next amendment was, on page 19, line 20, after the words "In all," to strike out "\$369,250" and insert "\$399,750" so as to read:

In all, \$399,750; to be disbursed and accounted for as "Street improvements," and for that purpose shall constitute one fund, and shall be available immediately: *Provided*, That no part of such fund shall be used for the improvement of any street or section thereof not herein specified.

The amendment was agreed to.

The next amendment was, on page 25, line 12, after the word "shall," to insert "as far as practicable," so as to read:

In all, \$812,000; to be disbursed and accounted for as "Gasoline tax, road and street improvements," and for that purpose shall constitute one fund and be available immediately: *Provided*, That no part of such fund shall be used for the improvement of any street or section thereof not herein specified: *Provided further*, That assessments in

accordance with existing law shall be made for paving and repaving roadways where such roadways are paved or repaved with funds derived from the collection of the tax on motor-vehicle fuels: *Provided further*, That any projects or portions of projects chargeable to the fund during the fiscal year 1925 and subsequent fiscal years and uncompleted at the close of those years shall be a continuing charge upon the fund until completed and shall, as far as practicable, be given priority over projects subsequently made a charge upon such fund.

The amendment was agreed to.

The next amendment was, under the subhead "Street repair, grading, and extension," on page 26, line 15, after the word "work," to strike out "\$600,000" and insert "\$800,000," so as to read:

Repairs: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to asphalt pavements with the same or other not inferior material, and including the maintenance of non-passenger-carrying motor vehicles used in this work, \$800,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the heading "Sewers," on page 29, after line 21, to insert "For continuing the construction of the upper Potomac main interceptor, \$50,000."

The amendment was agreed to.

The next amendment was, under the heading "Collection and disposal of refuse," on page 30, line 25, before the words "District of Columbia," to strike out "United States and the," so as to make the proviso read:

Provided, That any proceeds received from the disposal of city refuse or garbage shall be paid into the Treasury of the United States to the credit of the District of Columbia in the manner provided by law.

The amendment was agreed to.

The next amendment was, on page 31, line 8, after the word "located," to strike out "\$31,000: *Provided*, That the purchase price shall not exceed the latest full value assessment of such property" and insert "\$40,000," so as to make the paragraph read:

For the acquisition by purchase or condemnation of square 739, on which the present garbage transfer station is located, \$40,000.

The amendment was agreed to.

The next amendment was, under the heading "Public playgrounds," on page 32, line 6, after the word "For" to strike out "personal services in accordance with the classification act of 1923, \$1,320" and insert "superintendence, \$600," and at the end of line 10, to strike out "\$7,600" and insert "\$6,880," so as to read:

Bathing beach: For superintendence, \$600; for temporary services, supplies, and maintenance, \$4,500; for repairs to buildings, pools, and upkeep of grounds, \$1,780; in all, \$6,880.

The amendment was agreed to.

The next amendment was, on page 32, line 11, to reduce the total appropriation for playgrounds from "\$147,600" to "\$146,880."

The amendment was agreed to.

The next amendment was, under the heading "Public schools," on page 35, line 3, to increase the appropriation for personal services of clerks and other employees, office of superintendent of schools, in accordance with the classification act of 1923, from "\$90,880" to "\$102,760."

The amendment was agreed to.

The next amendment was, on page 35, line 6, after the figures "1924," to strike out "\$16,500" and insert "and the act approved February 5, 1925, \$28,100," so as to read:

For personal services in the department of school attendance and work permits in accordance with the act approved June 4, 1924, and the act approved February 5, 1925, \$28,100.

The amendment was agreed to.

The next amendment was, under the subhead "Community center department," on page 37, at the end of line 18, to strike out "\$33,300" and insert "\$38,000," so as to read:

For personal services of the director, general secretaries, and community secretaries in accordance with the act approved June 4, 1924; part-time employees, including janitors, and contingent expenses, equipment, supplies, and lighting fixtures, \$38,000.

The amendment was agreed to.

The next amendment was, under the subhead "Furniture," on page 40, line 5, after the word "periodicals," to strike out "\$77,000" and insert "\$80,000: *Provided*, That a bond shall not be required on account of military supplies or equipment issued by the War Department for military instruction and practice by the students of high schools in the District of Columbia," so as to make the paragraph read:

For contingent expenses, including furniture and repairs of same, pay of cabinetmaker, stationery, printing, ice, and other necessary items not otherwise provided for, and including not exceeding \$3,000 for books of reference and periodicals, \$80,000: *Provided*, That a bond shall not be required, etc.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 41, line 23, after the name "John R. Francis," to strike out "senior," so as to read:

For the purchase of additional land adjoining the site provided for the John R. Francis Junior High School, \$50,000.

The amendment was agreed to.

The next amendment was, on page 41, line 25, after the words "of the," to strike out "John R. Francis, sr., Junior High School for colored pupils" and insert "John R. Francis Junior High School," so as to read:

For beginning the construction of the John R. Francis Junior High School, on a site already provided for at Twenty-fourth and N Streets NW., \$175,000, and the commissioners are hereby authorized to enter into contract or contracts, as in this act provided, for such building at a cost not to exceed \$475,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 12, to strike out "For beginning the construction of a junior high school with a combined assembly hall and gymnasium on the site provided for said building, \$175,000, and the commissioners are hereby authorized to enter into contract, or contracts, as in this act provided, for such building at a cost not to exceed \$475,000" and to insert:

For the construction of the Stuart Junior High School with a combined assembly hall and gymnasium on the site provided for said building at Fourth and E Streets NE., \$475,000.

The amendment was agreed to.

The next amendment was, on page 43, line 14, to increase the total appropriation to be disbursed and accounted for as "Buildings and grounds, public schools," from "\$1,245,000" to "\$1,545,000."

The amendment was agreed to.

The next amendment was, on page 45, line 16, after the word "commissioners" to strike out "without reference to or approval by the Commission of Fine Arts," so as to make the paragraph read:

The plans and specifications for all buildings provided for in this act under appropriations administered by the Commissioners of the District of Columbia shall be prepared under the supervision of the municipal architect, and those for school buildings after consultation with the Board of Education, and shall be approved by the commissioners, and shall be constructed in conformity thereto.

The amendment was agreed to.

The next amendment was, under the heading "Fire Department, Salaries," on page 49, line 4, to increase the appropriation for personal services in accordance with the classification act of 1923, from "\$9,300" to "\$9,360."

The amendment was agreed to.

The next amendment was, under the subhead "Police court," on page 55, line 17, after the figures "1923," to strike out "\$90,774, including compensation in accordance with the classification act of 1923 for two additional judges and such other court employees, within the limit of available funds, as the court may determine to be necessary, and of said sum \$6,530 shall be available immediately: *Provided*, That in addition to the sums hereinafter appropriated for the expenses of said court and for any of said purposes there is further appropriated the sum of \$22,800, of which \$12,600 shall be available immediately: *Provided further*, That section 42 of the Code of Law of the District of Columbia hereby is amended so as to provide that the police court in the District shall consist of four judges, and the provisions of other sections of such code as relate to the powers and duties of employees of said court shall apply to such employments as the court may authorize in pursuance hereof, and the said court, sitting in banc, shall have power to make rules affecting the business of the court not inconsistent with law, including the selection of a presiding judge: *Provided further*, That the second paragraph of section 44 of the Code of Law for the District of Columbia hereby is amended to read as follows: 'In all cases where the accused would not by force of the Constitution of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless in such of said last-named cases wherein the fine or penalty may be more than \$300, or imprisonment as punishment for the offense may be more than 90 days, the accused shall demand a trial by jury, in which case the trial

shall be by jury. In all cases where the said court shall impose a fine it may, in default of the payment of the fine imposed, commit the defendant for such a term as the court thinks right and proper, not to exceed one year," so as to read:

Salaries: For personal services in accordance with the classification act of 1923, \$58,124.

The amendment was agreed to.

The next amendment was, under the subhead "Court of appeals," on page 59, line 21, after the word "service," to strike out "\$20,190" and insert "\$21,050," and at the beginning of line 24 to strike out "\$47,140" and insert "\$48,000," so as to read:

Salaries: Chief justice, \$9,000; two associate justices, at \$8,500 each; all other officers and employees of the court, including reporting service, \$21,050; necessary expenditures in the conduct of the clerk's office, \$950; in all, \$48,000.

The amendment was agreed to.

The next amendment was, under the heading "Charities and corrections," on page 61, line 22, after the word "devices," to strike out "\$95,840" and insert "\$95,480," so as to make the paragraph read:

Support of prisoners: For maintenance of prisoners of the District of Columbia at the jail, including pay of guards and all other necessary personal services, and for support of prisoners therein, expenses incurred in identifying and pursuing escaped prisoners, and rewards for their recapture, repair and improvements to buildings, cells, and locking devices, \$95,480.

The amendment was agreed to.

The next amendment was, under the subhead "Workhouse," on page 62, line 3, to strike out the colon and the proviso in the following words:

Provided, That bricks manufactured at the workhouse may be issued without charge for authorized construction work on account of the National School for Girls and the District Training School (Home and School for Feeble-Minded).

The amendment was agreed to.

The next amendment was, on page 63, line 15, to reduce the total appropriation for the Reformatory from "\$246,340" to "\$169,000."

The amendment was agreed to.

The next amendment was, under the subhead "District Training School," on page 68, line 2, after the figures "\$1,500" to insert "and the purchase and maintenance of horses and wagons, \$18,300," so as to make the paragraph read:

For continuing construction of the home and school for feeble-minded persons, as authorized by the District of Columbia appropriation act approved February 28, 1923, by day labor or otherwise as the commissioners may consider to be most advantageous to the District of Columbia, \$170,000; for maintenance, salaries, and other necessary expenses, including the maintenance of a nonpassenger-carrying motor vehicle, and the purchase of a 1-ton motor truck at not to exceed \$1,500, and the purchase and maintenance of horses and wagons, \$18,300; in all, \$188,300.

The amendment was agreed to.

The next amendment was, under the subhead "Industrial Home School for Colored Children," on page 68, line 16, before the name "District of Columbia," to strike out "United States and to the credit of the," so as to make the paragraph read:

All moneys received at said school as income from sale of products and from payment of board or of instruction or otherwise shall be paid into the Treasury of the United States to the credit of the District of Columbia in the manner provided by law.

The amendment was agreed to.

The next amendment was, under the subhead "Industrial Home School," on page 68, at the end of line 24, to reduce the appropriation for maintenance, including care of horses, purchase and care of wagon and harness, from \$27,000 to \$22,100.

The amendment was agreed to.

The next amendment was, on page 68, line 26, to increase the appropriation for repairs and improvement to buildings and grounds from \$3,000 to \$8,000.

The amendment was agreed to.

The next amendment was, under the heading "Anacostia River and Flats," on page 73, line 23, after the word "amount," to strike out "\$145,000 shall be available for expenditure below Benning Bridge and"; and at the end of line 26 to insert "or otherwise," so as to make the paragraph read:

For continuing the reclamation and development of Anacostia Park, in accordance with the revised plan as set forth in Senate Document

No. 37, Sixty-eighth Congress, first session, \$170,000, of which amount not more than \$25,000 may be expended above Benning Bridge in the acquirement of necessary land or otherwise.

The amendment was agreed to.

The next amendment was, under the heading "Public buildings and grounds," on page 74, line 3, after the word "services" to strike out "in accordance with the classification act of 1923, \$23,480" and insert "\$61,540," so as to read: "For personal services, \$61,540."

The amendment was agreed to.

The next amendment was, under the subhead "Improvement and care of public grounds," on page 74, line 26, after the word "including" to strike out "foremen, gardeners, mechanics, laborers," and insert "personal services"; and on page 75, at the end of line 6, to strike out "\$404,160" and insert "\$442,830," so as to make the paragraph read:

For improvement and care of public grounds in the District of Columbia, including personal services, maintenance, repair, exchange, and operation of not to exceed four motor-propelled passenger-carrying vehicles, the purchase of one motor-propelled passenger-carrying vehicle to cost not exceeding \$700, and the maintenance, repair, exchange, and operation of motor cycles and bicycles for division foremen, \$442,830.

The amendment was agreed to.

The next amendment was, on page 75, after line 17, to insert:

For purification of waters of the beach and improvement, maintenance, and operation of the bathhouse and beach on the west shore of the Tidal Basin, \$6,000.

The amendment was agreed to.

The next amendment was, on page 75, after line 20, to insert:

For expenses incident to the conducting of band concerts in the public parks, \$3,000.

The amendment was agreed to.

The next amendment was, under the subhead "Water department," on page 79, at the end of line 19, to strike out "\$122,000" and insert "\$129,710," so as to read:

For revenue and inspection and distribution branches: For personal services in accordance with the classification act of 1923, \$129,710.

The amendment was agreed to.

The next amendment was, on page 87, after line 8, to strike out section 7 in the following words:

SEC. 7. The estimates of appropriations in the District of Columbia chapter of the Budget for the fiscal year 1927 shall be submitted on the same basis of contribution by the United States which this act provides.

The amendment was agreed to.

The PRESIDING OFFICER. This concludes the committee amendments.

Mr. PHIPPS. I have no further amendments to offer on behalf of the committee.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment.

Mr. ROBINSON. Mr. President, there are a number of Senators who this afternoon expressed an interest in the item in lines 18 to 20, inclusive, on page 75. I understand that the amendment has been agreed to. I ask unanimous consent that the vote by which the amendment was agreed to may be reconsidered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

Mr. PHIPPS. I make no objection, but I call the Senator's attention to the fact that there is another item in the bill just preceding the one to which he has called attention. It is on page 75, line 15:

For purification of waters of the Tidal Basin, and care, maintenance, and operation of the bathhouse and beach, \$12,300.

That is the present establishment, the one that has been in use for a term of years. The other item of \$6,000, to which the Senator has called attention, is for the new bathing beach which is now under construction.

Mr. ROBINSON. I would like those items to go over until Senators who are absent and interested in them can take up the matter.

The PRESIDING OFFICER. May the Chair suggest to the Senator from Arkansas that if we can get the bill out of the Committee of the Whole and into the Senate we can then lay it aside.

Mr. ROBINSON. It makes no difference to me. All I want to do is to reserve a vote on the amendment to which I have referred. In all probability an amendment will be offered to strike out the provision of the bill in lines 15 to 17.

The PRESIDING OFFICER. May the Chair suggest that the bill be reported to the Senate, and that in the Senate we concur to all amendments with the exception of the one to which the Senator from Arkansas has referred, and then the bill can be laid aside?

Mr. PHIPPS. I make no objection to that course.

The bill was reported to the Senate as amended.

Mr. PHIPPS. I move that the Senate concur in all the amendments made as in Committee of the Whole, except the amendment on page 75, embraced in lines 18 to 20, inclusive.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate concur in all the amendments made as in Committee of the Whole, except the amendment on page 75, embraced in lines 18 to 20, inclusive.

Mr. EDGE. Mr. President, at this point I want to ask the Senator from Colorado a question. I have had no objection to the bill being reported to the Senate. On page 33, under the subhead "Electrical department," under the item of "Lighting," the bill provides for an appropriation of \$500,000 and there follows an additional appropriation of \$35,000. In this connection I want to make a very brief observation.

We have discussed here on two evenings and at other times during to-day's session the question of traffic regulations. I want to draw the attention of the chairman of the subcommittee and of the Senate to a situation which appeals to me very strongly for future consideration. Whether it can be remedied in the pending bill under the subhead to which I have called attention I do not know. In my judgment, traffic regulations in the city of Washington, whatever bill may be passed, will never reach the stage of perfection that the Senate unquestionably hopes may be reached in lessening accidents, unless the provision for street lighting is substantially increased. I think this is the proper time to draw attention to it, and I am only going to do so for two or three minutes.

I do not know of any city in the country, so far as my personal experience is concerned, where the lighting is as ineffective as it is in the city of Washington. At this time on most of the residential streets old-fashioned incandescent gas lights are used exclusively. There will be found in the business sections of the city electric lights, and in some parts of the residential sections there are electric lights. If we are to have any successful results under the traffic legislation that we are endeavoring to pass, we must have better lighting in the city. Riding down the streets of Washington after dark one can not help realizing that at every intersecting street there is the same type of light that is to be found between the intersections, making it practically impossible, unless one happens to be intimately acquainted with the topography of the city, to realize when he is at or approaching a street intersection. The lights are dim; the globes in most cases are coated globes. I am sure that every Member of the Senate will recognize the fact that casualties through motor accidents occur to some extent or are attributable to the very ineffective lighting system in vogue in the city.

There is not any large city, certainly in the congested sections of a city, where a street intersection does not have some different type of light, a red globe, perhaps, or something out of the ordinary to indicate that it is a street intersection. In this city the street intersections are lighted just the same as the middle of the blocks. All the lights taken together furnish very poor light.

When we are considering the very vital question of traffic regulations we should seriously consider as well the lighting system. I am simply taking this occasion to draw the attention of the Committee on Appropriations particularly and of the Senate generally to the fact that until a proper lighting system is installed or the present one materially improved and some effort made to designate street intersections to enable drivers to know that cross streets are being approached and the lighting system made somewhat in conformity with the traffic congestion of a city of this size, we shall never have in the city of Washington properly enforced traffic regulations.

Mr. PHIPPS. Mr. President, if I may answer the Senator briefly, the committee dealing with the District appropriation bill in its hearings year by year has discussed that very subject with representatives of the city. We have endeavored to secure larger appropriations by raising the amounts that have been approved by the House committee and have been contained in the House bills as they have come to us. We have found great difficulty in convincing the Representatives of the other House that the expenditures for this purpose should go forward more generously and that we should more quickly bring the lighting system of this city up to date.

For the Senator's information I call attention to the fact that, going back to the year 1915, we were appropriating for general lighting purposes a little under \$400,000. In 1918

we raised that to \$415,000; then in 1922 the appropriation was increased to \$430,000. The following year an increase of \$15,000 was made; in 1924 the sum of \$472,000 was appropriated; and last year for the present fiscal year \$525,000 was appropriated. In the pending bill we propose to increase the appropriation to \$590,000.

Mr. EDGE. Mr. President, may I interrupt the Senator right there?

Mr. PHIPPS. I gladly yield to the Senator.

Mr. EDGE. With all of these increased appropriations, which would seem to be along the line of proper increases for a growing city, why is it that generally speaking—I have not the actual facts at hand—a large proportion, certainly the larger proportion, of the residential sections of the city of Washington to-day is lighted with the old-fashioned incandescent gas lamps?

Mr. PHIPPS. I will say to the Senator from New Jersey that that is where the committee has experienced the greatest difficulty in conferring with the Members of the other House. There is another item of the bill to which the Senator called attention—that of \$35,000 for improving and changing the type of lamps which are already installed. Those are on the older highways, the older streets. We had been expending at the rate of \$20,000 a year only for making necessary modifications and to bring those up to modern requirements. This year we provide for that purpose an appropriation of \$35,000, which is the full amount that the Budget Bureau recommended. I believe this is the first year when we have had the full amount recommended by the Budget Bureau for that particular purpose. Usually the other House has sheared down the Budget estimate figures on that particular item.

As to the character of lamps I may say to the Senator from New Jersey that experimentation with various systems of lighting and the experience of other cities have shown that the clear globe gives a light that is apt to confuse or to blind pedestrians or motorists and that the cloudy or frosted globe is in general use, having been found to be a better lamp for the diffusion of light.

Mr. EDGE. Does not the Senator feel that with the additional appropriation of \$35,000 for this particular purpose it would be helpful and beneficial if the illuminating power of the intersecting lights was in some way increased or such lights were designated so that one could realize in going through the city that he was reaching an intersection instead of having the same type of lights all the way down a public thoroughfare?

Mr. PHIPPS. The Senator's suggestion appeals to me as being well worthy of consideration, and I shall be glad to take note of it.

Mr. EDGE. I have only brought the matter to the attention of the committee at this time, recognizing that I am not prepared to offer an amendment to the bill, but believing that it is one of the matters to which the committee and the District Commissioners may well pay attention.

Mr. PHIPPS. I thank the Senator for his observations.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Florida?

Mr. PHIPPS. I yield.

Mr. FLETCHER. If I may, I desire to ask the Senator from New Jersey [Mr. Edge] a question before he takes his seat. I have been trying to get his attention for a few moments. I agree with a good deal of what the Senator has said, but he mentioned the avoidance of accidents if the street lights were improved. I wish to inquire whether the Senator knows it to be a fact that most of the accidents, most of the casualties, anyway, occur in the daytime; and if the Senator has any information as to what proportion of the accidents occur at night and what proportion occur in the daytime?

Mr. EDGE. No, Mr. President; I have not investigated the proportion of accidents during the day and during the night, respectively, but it simply appealed to me as a matter of ordinary personal observation, driving to and fro on the streets of Washington at night, that a very decided modern improvement could be made to the lighting system, which, in the very order of things, would contribute to safety within the city limits.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Colorado [Mr. Phipps], which is that, the bill under consideration having been reported from the Committee of the Whole to the Senate, and the main question being upon concurring in the amendments made to the bill as in Committee of the Whole, all the amendments shall be concurred in in the Senate except the amendment on page 75, relating to lines 18, 19, and 20. [Putting the question.] The ayes have it, and the motion is agreed to.

Mr. PHIPPS. I ask that the bill now under consideration may be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the bill will be temporarily laid aside.

REPORT OF THE ALIEN PROPERTY CUSTODIAN

Mr. PEPPER, from the Committee on Printing, reported the following resolution (S. Res. 340), which was considered by unanimous consent and agreed to:

Resolved, That the annual report of the Alien Property Custodian for the year ending December 31, 1924, be printed as a Senate document.

LEGISLATIVE APPROPRIATIONS

Mr. WARREN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 12101, being the legislative appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12101) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. Mr. President, it is not a very long bill and there are but few amendments to it. I will ask that the formal reading of the bill may be dispensed with and that it be read for amendments, the committee amendments to be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Secretary will state the first amendment.

The first amendment of the committee was, under the heading "Senate, office of the Secretary," on page 2, line 15, before the words "financial clerk," to strike out "reading clerk, \$4,500" and insert "chief clerk, who shall perform the duties of reading clerk, \$4,500"; in the same line, before the word "clerk," where it occurs the second time, to strike out "chief" and insert "principal"; and in line 17, before the word "clerk," where it occurs the second time, to strike out "principal" and insert "legislative," so as to read:

Salaries: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of contingent fund of the Senate, \$6,500; assistant secretary, Henry M. Rose, \$5,500; chief clerk, who shall perform the duties of reading clerk, \$4,500; financial clerk, \$4,500; principal clerk, \$3,420; assistant financial clerk, \$3,600; minute and Journal clerk, \$3,600; legislative clerk, \$3,150, etc.

The amendment was agreed to.

Mr. WARREN. On behalf of the committee, I offer the amendment, which I send to the desk, to come in on page 5.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 5, line 13, after the numeral "\$2,590," it is proposed to insert "assistant clerk, \$1,940," and on page 6, line 10, to correct the total by striking out "\$368,170" and inserting "\$370,110."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Clerical assistance to Senators," on page 6, line 22, after the figures "\$106,400" to strike out "in all, \$601,300" and insert "messenger, \$1,520; in all, \$602,820"; so as to read:

Seventy additional clerks at \$1,520 each, one for each Senator having no more than one clerk and two assistant clerks for himself or for the committee of which he is chairman, \$106,400; messenger, \$1,520; in all, \$602,820.

The amendment was agreed to.

The next amendment was, under the subhead "Contingent expenses of the Senate," on page 9, line 7, to increase the appropriation for rent of warehouse for storage of public documents, from \$1,800 to \$2,000.

The amendment was agreed to.

The next amendment was, under the subhead "Capitol Buildings and Grounds," on page 23, after line 18, to insert:

For surgical treatment of trees on the Capitol Grounds, \$5,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 2, to insert:

For extension and changing of electric wiring of the attic floor to provide necessary electric lighting for the storage rooms, \$1,000; for concrete floor for the attic story, \$15,750; for new revolving door for ground floor, southwest corner, Senate Office Building, \$1,750; in all, \$18,500.

The amendment was agreed to.

The next amendment was, on page 27, line 12, after the figures "\$745,000," to insert "and authority is hereby given to

enter into a contract or contracts or otherwise incur obligations not in excess of this sum," so as to make the paragraph read:

Toward the construction of new bookstacks in the northeast court of the Library of Congress, \$345,000: *Provided*, That the total cost of such stacks shall not exceed \$745,000 and authority is hereby given to enter into a contract or contracts or otherwise incur obligations not in excess of this sum.

The amendment was agreed to.

The next amendment was, under the subhead "Library Building," on page 31, line 19, to reduce the appropriation for salaries, for the administrative assistant and disbursing officer and other personal services in accordance with "the classification act of 1923," from \$106,498 to \$104,398.

The amendment was agreed to.

Mr. WARREN. Mr. President, I desire to offer an amendment which has been considered by the Committee on Finance and reported favorably by them and which also has been considered by the Committee on Appropriations. I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 39, after line 9, it is proposed to insert the following:

SEC. 4. That section 4 of the legislative, executive, and judicial appropriation act, approved February 26, 1907, as amended, is amended to read as follows:

"That on and after March 4, 1925, the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of executive departments who are members of the President's Cabinet shall be at the rate of \$15,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, Resident Commissioner from Porto Rico, and Resident Commissioners from the Philippine Islands shall be at the rate of \$10,000 per annum each."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming in behalf of the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. SMOOT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 22, it is proposed to strike out lines 1 to 3, inclusive, and to insert in lieu thereof the following:

1924, \$45,000, of which \$25,000 shall be disbursed by the Secretary of the Senate and \$20,000 by the Clerk of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will ask the Senator from Wyoming if there are further committee amendments?

Mr. WARREN. That is the end of the committee amendments.

Mr. WATSON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 7, in lines 8, 9, and 10, it is proposed to strike out "upholsterer and locksmith, \$1,770; cabinetmaker, \$1,520; three carpenters, at \$1,390 each;" and to insert in lieu thereof "foreman cabinetmaker, \$2,400; upholsterer, \$2,100; locksmith, hardwood finisher, and carpenter, at \$2,100 each."

Mr. WARREN. Mr. President, the amendment would open up a matter that it is not the intention of the committee to open in connection with this bill. I know the case very well, and it is a case which I expect to bring to the attention of the House committee in the next appropriation bill—the deficiency bill. However, the salary classifications were made in agreement between this body and the House of Representatives, and the salaries provided what might be called statutory salaries. There are three or four amendments of a similar kind. One, I understand, is to be offered by the Senator on my right [Mr. EDGE]. I shall be glad to present that when the proper occasion comes; but I can not consent to such amendments going on the pending bill, because they open up in a measure the understanding which the committee had with the committee on the House side as to this line of salaries.

Mr. WATSON. Very well, with that understanding I am quite content to let the matter rest.

Mr. WARREN. It would have to go to the House in any event, being an amendment; but I may say that the other body has not added a single amendment of that kind to the entire bill.

Mr. WATSON. Mr. President, I have no desire, as the Senator knows, to break into the regular order of things. The employees covered by the amendment I have submitted are wonderfully well qualified and render excellent service, but are underpaid. However, with the understanding that the Senator will call the matter to the attention of the House next time I am quite content.

Mr. WARREN. I shall certainly do so.

The PRESIDING OFFICER. Does the Chair understand the Senator from Indiana to withdraw his amendment?

Mr. WATSON. No.

The PRESIDING OFFICER. Then does the Senator consent to it being disagreed to?

Mr. WATSON. Yes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana.

The amendment was rejected.

Mr. EDGE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 3, line 1, it is proposed to strike out "three" and insert in lieu thereof "four"; and in line 2 it is proposed to strike out "three" and insert in lieu thereof "two," so that if amended it will read:

Laborers—four at \$1,140 each, two at \$1,010 each.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Jersey.

Mr. EDGE. Mr. President, that amendment is perhaps in the same class as the one the Senator from Wyoming has just discussed; but it refers to a laborer in the document room who has been in the employ of the Senate of the United States for twenty-odd years, and is receiving the munificent salary of \$1,010 a year. This amendment simply places him in the class above, in which class he would receive a salary of \$1,140 a year, an increase of \$130. I think after 20 years' service in the document room a man is entitled to have his class advanced to the extent of \$130 a year.

Mr. WARREN. Mr. President, do I understand that the Senator is willing to withdraw his amendment?

Mr. EDGE. If I have the same assurance from the chairman that he will press it in the ordinary way, I will not insist on it.

Mr. WARREN. All I can assure the Senator is that we certainly will take it up with House committee and give it serious consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senate from New Jersey [Mr. Edge].

The amendment was rejected.

Mr. WARREN. I ask unanimous consent that the clerks at the desk be authorized to correct all totals.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 8 o'clock and 32 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, February 18, 1925, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 17, 1925

UNITED STATES DISTRICT JUDGE

Thomas W. Slick to be United States district judge, district of Indiana.

PROMOTIONS IN THE REGULAR ARMY

To be captains

Edward Oscar Schairer, Quartermaster Corps.
Charley Muller, Infantry.

Alfred Henry Thiessen, Signal Corps.
Horace Nevil Heisen, Air Service.
Aubrey Irl Eagle, Air Service.
Jacob J. Van Putten, jr., Finance Department.
Harvey Weir Cook, Air Service.
Charles Summer Reed, Ordnance Department.
Raymond Clair Hildreth, Signal Corps.
David Emery Washburn, Signal Corps.
Bernard Edward McKeever, Quartermaster Corps.
Michael James Byrne, Infantry.
William George Muller, Infantry.
William Vincent Randall, Ordnance Department.
Will Vermilya Parker, Signal Corps.
Floyd Newman Shumaker, Air Service.
Lowell Herbert Smith, Air Service.
Albert Edward Higgins, Field Artillery.
Ethel Alvin Robbins, Quartermaster Corps.
Walter Harold Sutherland, Finance Department.
Michael Nolan Greeley, Quartermaster Corps.
Richard Allen, Quartermaster Corps.
Christopher William Ford, Air Service.
Biglow Beaver Barbee, Finance Department.

To be colonel

William Richie Gibson, Quartermaster Corps.

To be lieutenant colonel

Ned Bernard Rehkopf, Field Artillery.

To be majors

Stuart Clarence MacDonald, Infantry.
Metcalf Reed, Infantry.

To be captains

Edward Bates Blanchard, Chemical Warfare Service.
Thomas Banbury, Quartermaster Corps.
William Edward Cashman, Quartermaster Corps.
William Sawtelle Kilmer, Corps of Engineers.

To be first lieutenants

Fred Pierce Van Duzee, Infantry.
Arthur Gillette Watson, Air Service.
Burns Beall, Infantry.
John Bartlett Hess, Infantry.
Allen Francis Haynes, Infantry.

CHAPLAIN

To be chaplain with the rank of captain

Paul Bertram Rupp.

PROMOTION BRANCHES

To be captain

Albert William Stevens, Air Service.

To be first lieutenants

Harold Gaslin Sydenham, Infantry.
Hugh Cromer Minter, Air Service.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY

QUARTERMASTER CORPS

Philip Mapes Shockey, Field Artillery.

SIGNAL CORPS

Edgar Lewis Clewell, Infantry (detailed in Signal Corps).
Second Lieut. James Edward Poore, jr.
Second Lieut. Harry William Coon.

POSTMASTERS

CALIFORNIA

John A. Thompson, Cloverdale.
Robert C. Ross, Cotati.
William A. Murphy, Montague.
Floyd E. Kidd, Williams.
John J. West, Willows.

GEORGIA

Robert H. Manson, Darien.
Tilden A. Adkins, Vienna.

INDIANA

Fred D. Huff, Mollott.
Minard A. Schutt, Michigan City.

MASSACHUSETTS

Charles W. Cole, Dighton.
Clarence J. Conyers, Seekonk.

MINNESOTA

George H. Hopkins, Battle Lake.
Theodore Thoennes, Ogema.

MISSISSIPPI

James J. Hiller, Calhoun City.
 Bettie D. Robertson, Collins.
 Finley B. Hewes, Gulfport.
 Jack F. Ellard, Leland.
 Malcolm E. Wilson, Marks.
 Minnie S. Suddeth, Mount Olive.
 Ben Linn, Pickens.
 Levi J. Jones, Richton.
 Aden N. Utsey, Vossburg.
 Ethan A. Wood, Woodville.

MISSOURI

Ernest Young, Verona.

NEBRASKA

Ernest E. Goding, Dix.
 Cyril Svoboda, Prague.
 John R. Bolte, Snyder.

NEW HAMPSHIRE

Blanche W. Drew, Intervale.

OKLAHOMA

James M. Baggett, Tuskahoma.

TEXAS

Floyd W. Holder, Breckenridge.
 John T. Hall, jr., Hacienda.
 Otto Pfefferkorn, Maxwell.
 Raymond Mullen, Taft.
 Elmer L. McFarland, Wingate.

WISCONSIN

Leroy G. Waite, Dousman.
 Hjalmar M. Johnson, Eau Claire.
 Clem G. Walter, Kendall.
 John J. Kocian, Milladore.
 Libbie M. Bennett, Pewaukee.
 Jessie Loescher, Salem.
 William H. Call, Strum.
 James E. Robar, Walworth.
 Albert J. Topp, Waterford.
 Lizzie J. Riley, Wilson.

HOUSE OF REPRESENTATIVES

TUESDAY, February 17, 1925

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Throughout this day, O Lord, may our obligations to Thee, to our country, and to ourselves be administered with enlightened understanding and with intelligent conviction. Heavenly Father, infinite in love and mercy, marvelous in good works, be with us in our human limitations and earthly infirmities. Teach us how to use this old world and how to convert things and circumstances to the help and honor of our fellow men. Reach through every loss and touch it with Thy sympathy; put forth Thy hand on every gain and bless it for Thy use. Temper our minds to do Thy will and touch our hearts that they may love the good, the beautiful, and the pure. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADDITIONAL JUDGE, DISTRICT OF MARYLAND

Mr. BLANTON. Mr. Speaker, I did not catch what the Journal showed about the bill (H. R. 5083) to create an additional judge for the District of Maryland. That bill was objected to and was not passed. The press this morning states that that bill was passed, and if the Journal so states it is in error. It was objected to and did not pass.

The SPEAKER. The Journal shows that the bill was objected to.

UNITED STATES ARMY BAND

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting an article on the United States Army Band.

The SPEAKER. An article by the gentleman himself?

Mr. WOODRUM. Yes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the Record by inserting an article on the United States Army Band. Is there objection?

There was no objection.

Mr. WOODRUM. Mr. Speaker and gentlemen of the House, with your indulgence it is my purpose from time to time to insert in the Record some facts and observations with reference to the various splendid musical organizations of the United States Government. At the present I want to speak of the Army Band.

Our Government is unusually fortunate in that it can boast of musical organizations second to none in the world. It could, indeed, make no better investment than to give its liberal support to these worthy organizations. I wish it were possible that some plan might be worked out whereby these bands and orchestras might be given an opportunity to personally visit the various cities of the Nation and thus give the citizens an opportunity to receive the great inspiration that would come from listening to their concerts. The advent of the radio has, of course, made it possible for the Nation to enjoy, at least to some extent, these organizations.

As a result of close observation of the European military bands during the World War, General Pershing realized the need of a representative band in our own Army, capable of holding its own with the best bands to be found in any country in the world. Accordingly, upon becoming Chief of Staff of the Army of the United States, General Pershing gave orders for the formation of such a band. Ninety musicians were therefore selected from the different service bands of the Army and were gathered in Washington. In the spring of 1922 these musicians were organized into the Army Band at Fort Hunt, Va. First Lieut. P. W. Lewis was selected as commanding officer and remained with the band until 1924, when Capt. R. G. Sherman assumed command. Captain Sherman is the present commanding officer, and to his already enviable record in the World War he has added a most creditable record as organizer disciplinarian. At the Army Band's recent dinner, at Washington Barracks, Gen. Hanson E. Ely complimented the commanding general of the district of Washington upon having selected so able an officer as Captain Sherman to command the Army Band.

For drum major General Pershing selected Sergt. Willis S. Ross, who had been drum major of the General Headquarters Band (otherwise known as Pershing's Band) in France. He is one of the most efficient drum majors in the United States Army.

In September, 1922, the Army Band was ordered to Washington Barracks, D. C., where it immediately plunged into the many duties of the city. The need then became apparent to select a capable leader who must necessarily possess more than average ability as a band leader. Accordingly, a board of officers and warrant officers was appointed to report upon the efficiency of the applicants for the position. The board, having gone over the matter very carefully, selected Warrant Officer W. J. Stannard as the band leader and he was accordingly detailed for that duty, where he has continued to the present.

Largely through Mr. Stannard's efforts the Army Band has taken its place in the very forefront of musical organizations and he has placed the Army Band on an equality with the best there is.

Mr. Stannard entered the Army when 18 years of age. He has studied under C. L. Staats, of the Boston Symphony; Mr. Norrito, clarinet soloist with Sousa's Band for many years; Mr. Leroy, of the Garde Republique Band, France; and Mr. Levy, of the Russian Symphony Orchestra. In 1911 he won a scholarship to the Institute of Musical Art, under the direction of Dr. Frank Damrosch, and graduated after having completed a four years' course in two years. He was appointed band leader in June, 1913, and was immediately assigned to the Thirtieth Infantry in Alaska, which he reorganized and brought to such a high state of efficiency that he was complimented by Capt. D. E. Nolan, now Gen. D. E. Nolan. From here he went to the Thirteenth Infantry, and under his baton the Thirteenth made an enviable reputation. While in the Philippines Mr. Stannard had the honor of directing the Constabulary Band, a world-famous musical organization. On his return to the United States Mr. Stannard, as ranking band leader at Camp Fremont, Calif., directed the consolidated band concerts given at the camp and also those within a 100-mile radius. He directed a most impressive concert at the Auditorium, San Francisco, accompanying Madame Schumann-Heink. Upon being ordered to Camp Merritt, N. J., with the Thirteenth, he was placed in charge of all the music in the camp, and was selected to direct the composite band of the First Division for the reception tendered to General Pershing upon his return from France; also directed the band upon the occasions of President Wilson's departure for and return from France.

In December, 1919, Mr. Stannard was detailed as instructor at the Army Music School, Washington Barracks, D. C., but was requested to return to the Thirteenth Infantry by its commanding officer, which he did, remaining with the Thirteenth